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Per Law Society of Upper Canada.
Minutes of Convocation
[abridged] v.7. 1982. c.4.

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[abridged] v.7. 1982. c.4.

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THE LAW SOCIETY OF UPPER CANADA

Minutes of Convocation

[abridged]

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Volume 7 Number 1

Per
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MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 21st January, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J.D. Bowlby) and Messrs. Affleck, Bragagnolo, Bynoe, Carthy, Cass, Crane, Furlong, Ground, Guthrie, Lamont, Mrs. Legge, Messrs. Lochead, Noble, O'Brien, Ogilvie, Pepper, Ruby, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Tobias and Wardlaw.

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

Re: ROBERT LEROY IRWIN, Wallaceburg

Mr. C. C. Ruby placed the matter before Convocation.

The reporter was sworn.

Messrs. Carthy, Cass, Crane, Furlong, Guthrie, Lochead, O'Brien, Pepper and Wardlaw withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor did not attend, nor was he represented by counsel. Mr. Frederick W. Chenoweth appeared for the Society.

The Report of the Discipline Committee, dated 23rd September, 1981, with proof of service was before Convocation on 20th November, 1981, together with a letter from the solicitor requesting an adjournment. The adjournment was granted to this Convocation and the Bench was satisfied that the solicitor had been properly advised that the matter would proceed on this date.

Convocation waived the reading of the Report of the Discipline Committee which found that the solicitor had improperly borrowed from two clients who had lost more than $55,000 and then attempted to conceal the borrowings from the Society by giving false information to the Society's auditor.

Mr. Chenoweth made submissions respecting the Report.

It was moved, seconded and *carried*, that the Report of the Discipline Committee be adopted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried*, that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel retired.

. . . .

Re: LESLIE LENNART FALK, Aurora

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

Messrs. Carthy, Ruby and Tobias withdrew from Convocation, took no part in the discussions and did not vote.

Mr. Furlong placed before Convocation a letter, dated 18th January, 1982, from Mr. J. David Hobson, Q.C., who had represented the solicitor before the Discipline Committee, stating that he would not be in attendance.

The solicitor attended. The Society was represented by Mr. Allan M. Rock and Mr. Leonard Ricchetti.

Convocation had before it the Report of the Discipline Committee, dated 7th January, 1982, together with an Affidavit of Service, dated 8th January, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail on 7th January, 1982.

Convocation waived the reading of the said Report which found the solicitor had misappropriated over $20,000 belonging to clients and failed to comply with the rule respecting borrowing from clients.

Mr. Rock made submissions.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor and counsel retired.

....

Re: CLAUDE DOUGLAS FITZGIBBON, Q.C., Port Hope

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

Messrs. Ruby and Tobias withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. E. A. Du Vernet, Q.C. Mr. J. M. Banfill, Q.C., represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 6th January, 1982, together with an Affidavit of Service, dated 7th January, 1982, by Heather Ann Werry, that service had been effected on the solicitor by registered mail on 6th January, 1982.

Convocation waived the reading of the Report which found that the solicitor had continued a practice begun before the present Rule 5 respecting impartiality and conflict of interest had been passed and had not changed his practice to ensure that numerous clients received the required independent legal advice.

Notice of Objection was served by Mr. Du Vernet and distributed in Convocation.

Mr. Du Vernet made submissions respecting the Report.

Mr. Banfill made no submissions.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been adopted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

Mr. Du Vernet made submissions respecting penalty and asked that the solicitor be permitted to resign his membership in the Society.

The solicitor made submissions respecting penalty and asked that he be allowed to resign his membership in the Society.

Mr. Banfill made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved, seconded and *carried* that the solicitor be permitted to resign his membership in the Society upon undertaking never to apply for readmission.

The motion to disbar was *not put.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that had been passed.

The solicitor and counsel withdrew.

. . . .

Re: DENNIS DUSHAN KROUL, Toronto

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend and was not represented. Mr. S.E. Sherriff represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 23rd December, 1981, together with an Affidavit of Service, dated 4th January, 1982, by Thomas Hudson Hocking, that service had been effected on the solicitor by registered mail on 29th December, 1981.

Convocation waived the reading of the Report of the Discipline Committee which found that the solicitor had misappropriated about $50,000 of clients' trust funds and abandoned his practice without making provision for the protection of his clients' interests.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The reporter withdrew.

....

MOTION: APPOINTMENT OF COMMITTEE UNDER SECTION 35 OF THE LAW SOCIETY ACT

It was moved, seconded and *carried* that the following be appointed a Committee to enquire into the capability of a solicitor to practise law: Mrs. Legge, Messrs. Ground, Shaffer, Mrs. Tait, Mr. Yachetti.

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:20 P.M.

....

CONVOCATION RESUMED AT 2:15 P.M.

....

PRESENT:

The Treasurer and Messrs. Bragagnolo, Carthy, Cass, Chadwick, Crane, Furlong, Ground, Lamont, Mrs. Legge, Messrs. Lochead, Noble, O'Brien, Ogilvie, Pepper, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Tobias and Wardlaw.

....

DISCIPLINE COMMITTEE (Continued)

Re: ALLAN JUDD, Hamilton

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. Krishan K. Channan. Mr. Chris G. Paliare represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 10th December, 1981, together with an Affidavit of Service, dated 30th December, 1981, by Tony Rein, that service had been effected on the solicitor by registered mail on 18th December, 1981.

Convocation waived the reading of the Report of the Discipline Committee which found that the solicitor had billed clients for disbursements in excess of the amounts actually incurred, but that the abuses had not been flagrant and the excess charges were promptly returned to the clients.

Counsel made no submissions.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been adopted.

Convocation was advised that the Recommendation as to Penalty of the Discipline Committee was that the solicitor be reprimanded in Convocation and pay the costs of the Society's investigation of the matter, plus file audited statements half yearly for two years.

Mr. Channan made no submissions as to penalty.

Mr. Paliare made no submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation and pay the costs of the Society's investigation of the matter, plus file audited statements half yearly for two years.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The Chairman accepted an amendment to the Recommendation as to Penalty.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised as to the amendment to the Recommendation as to Penalty, and of the motion for an increased penalty and consequent right to ask for an adjournment.

The solicitor, counsel and the reporter withdrew.

They returned.

Mr. Channan asked that the matter be adjourned so that character witnesses can be brought to Convocation.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded but *not put* that the motion that the solicitor be reprimanded in Convocation, required to pay the Society's costs and file audited statements half yearly for two years be put to a vote.

The mover of the motion to disbar, with the consent of the seconder, *withdrew* the motion.

It was moved again and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved, seconded and *lost* that the matter be adjourned to the February Convocation.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the motion for adjournment had been defeated.

Mr. Channan made submissions as to penalty.

Mr. Paliare made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

The motion that the solicitor be reprimanded in Convocation and pay the Society's costs of the investigation of the matter, plus file audited statements half yearly for two years was *carried*.

The motion to disbar was *not put*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that had been carried.

The solicitor, having waived his right of appeal, requested that the order of reprimand be administered forthwith.

Counsel and the reporter retired.

The solicitor was reprimanded by the Treasurer.

The solicitor retired.

. . . .

CONVOCATION ROSE AT 3:15 P.M.

. . . .

Confirmed in Convocation 26th February, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 22nd January, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Arthurs, Barr, Bragagnolo, Brulé, Bynoe, Carter, Carthy, Cass, Chadwick, Chilcott, Farquharson, Ferrier, Finlayson, Furlong, Ground, Lamont, Mrs. Legge, Messrs. Lochead, Mills (after his election), Noble, O'Brien, Ogilvie, Pepper, Ruby, Scace, Shaffer, Mrs. Tait, Messrs. Wardlaw, Willoughby and Yachetti.

....

MINUTES

The Minutes of Convocation of 20th November, 1981 and of Special Convocation of 10th December, 1981 were confirmed.

....

ELECTION OF BENCHER
PETER ALEXANDER MILLS, Q.C.

A vacancy having been caused in Convocation by the elevation of The Honourable Mr. Justice John G. M. White to The High Court of Justice for Ontario, Convocation proceeded to elect a qualified candidate in accordance with the provisions of Section 22(2) of The Law Society Act.

It was moved, seconded and *carried* that Mr. *Peter A. Mills* of Barrie be elected a Bencher to fill the vacancy in Convocation.

Mr. Mills entered Convocation and was welcomed to the Bench by the Treasurer.

....

APPOINTMENT TO COMPENSATION FUND COMMITTEE

It was moved, seconded and *carried* that Mr. *G. D. Finlayson* be appointed to the Compensation Fund Committee.

....

APPOINTMENT OF REPRESENTATIVE CANADIAN NATIONAL EXHIBITION ASSOCIATION

It was moved, seconded and *carried* that Mrs. *R. M. Tait* be appointed the Society's representative to the Canadian National Exhibition Association for the year 1982.

....

APPOINTMENT TO STANDING COMMITTEES

It was moved, seconded and *carried* that Mr. *Peter A. Mills* be appointed a member of each of the following Standing Committees: *Admissions, Libraries and Reporting, Unauthorized Practice.*

....

JOSEPH SEDGWICK, Q.C. BENCHER EX OFFICIO

Joseph Sedgwick, Q.C., of Toronto died in Toronto on 27th December, 1981, at the age of 83. He was called to the Bar 25th May, 1923 and practised in Toronto until 1975 when illness compelled him to curtail his activities.

Mr. Sedgwick was elected in the Benchers elections of 1941, 1946, 1951 and 1956 and became a Bencher ex officio in 1956. He served one term as Treasurer in 1962. On 14th May, 1981 the Treasurer and Benchers held a dinner in his honour to mark his term of 40 years as a Bencher.

His long and varied career began in the office of the Attorney General for Ontario and went on to include government commissions and inquiries and criminal and civil trials. He became one of Canada's best known counsel renowned for his oratory, wit and knowledge and command of the English language. In 1974 he was made a Companion of the Order of Canada and in 1975 was awarded the first Silver Medal struck by The Advocates' Society for Mastery of Oratory.

....

ELMER WALTER SOPHA, Q.C.
FORMER BENCHER

Elmer Walter Sopha, Q.C., of Sudbury died in Phoenix, Arizona, on 4th January, 1982, at the age of 57. He was called to the Bar on 15th September, 1955 and practised in Sudbury until his death.

Mr. Sopha was elected in the Benchers election of 1971 and served one term. He did not stand for re-election in 1975.

Mr. Sopha was the Liberal member for Sudbury in the Ontario Legislature from 1957 to 1971. He gained the reputation of being an eloquent speaker with a caustic wit who frequently raised controversial and provocative matters, attacking both government and institutions that displeased him, including his profession and the Law Society. The press dubbed him the "Northern gadfly".

....

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Mrs. Laura L. Legge (Chairman), Messrs. Carthy, Cass, Chilcott, Cooper, Lamont, Pepper and Mrs. Sutherland.

ADMINISTRATION

OCCASIONAL APPEARANCE

Samuel Isaac Wilder of the province of Manitoba, applied to proceed under Regulation 6 "Occasional appearances in

Ontario of lawyers from other provinces" in the case of *Regina vs. Barry Cahill and Alfred Bergen.* Mr. Wilder complied with the requirements of Regulation 6, presented a Certificate of Good Standing and asked to receive his call to the Bar of Ontario at the January Convocation. His letter setting forth the circumstances was before the Committee.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special – Regulation 5

The following candidate, having filed the necessary papers, paid the required fee of $200 and complied with the requirements of Regulation 5 in his particular case, was entitled to be called to the Bar and to be granted a Certificate of Fitness:

Benjamin Geva	Osgoode Hall Law School of York University

Call to the Bar for an Occasional Appearance

At its meetings on 12th November, 1981, and 8th January, 1982, the Committee recommended that the following be allowed to proceed under Regulation 6 concerning "Occasional appearances in Ontario of lawyers from other provinces" and that upon giving the necessary undertaking, they be called to the Bar and admitted as solicitors:

Vaughan Lawson Baird	Province of Manitoba
Samuel Isaac Wilder	Province of Manitoba

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 130 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 24th Bar Admission Course.

Approved

DIRECT TRANSFER

The Committee considered and approved two applications to transfer to practice in Ontario, one by a member of the New Brunswick Bar who sought to proceed under Regulations 3(1) and 4(1) and the other from a member of the Nova Scotia Bar who sought to proceed under Regulation 4(1).

FULL–TIME MEMBER OF FACULTY OF APPROVED LAW SCHOOL

The following member of an approved law faculty asked to be called to the Bar and to be admitted as a solicitor without examination under Regulation 5 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. A letter confirming the eligibility of the applicant was received from the Dean of the relevant law school.

Christopher Arnold	LL.B. University of London 1964
Faculty of Law	Admitted to the English Bar 1973
University of Windsor	Admitted as a Barrister in England 1979

Approved

APPLICATION FOR ADMISSION FOR OCCASIONAL APPEARANCE

Terry Alvin Gutkin of the province of Manitoba, applied to proceed under Regulation 6 concerning "Occasional appearances in Ontario of lawyers from other provinces" in the case of *Melenie Ellen Bryant, an infant by her next friend, The Children's Aid Society of Winnipeg vs The Estate of Alvina Ellen Bryant, Ronald George Caldwell, Francis Walter Harding, Alltrans Express Ltd. and T.N.T. Canada Ltd.* Mr. Gutkin complied with the requirements of Regulation 6, and presented a Certificate of Good Standing and asked to receive his call to the Bar of Ontario at the February Convocation.

Approved

PETITIONS

The Committee had two petitions before it. One petitioner, a successful candidate in the 22nd Bar Admission Course who had been granted permission to defer his call to the Bar from April 1981 to April 1982 to join his wife in Australia, advised that his return to Ontario may be delayed until June 1982 and asked that his call be deferred until that time. The Committee granted the petition.

The second petitioner had applied to the Committee in October 1981 for permission to enter the Bar Admission Course. The Committee had denied that petition on the grounds that the petitioner had been accepted directly into the Faculty of Law at McGill University with C.E.G.E.P. qualifications and lacked the required year of non-legal university study. The petitioner asked for reconsideration of his application for permission to enter the Bar Admission Course and submitted full details of the B.C.L. programme which he had completed at Oxford University after receiving his LL.B. and B.C.L. degrees from McGill University, together with a letter from a member of a Toronto law firm with whom he proposes to article. The Committee recommended that he be admitted into the Bar Admission Course.

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Benjamin Geva
Vaughan Lawson Baird
Samuel Isaac Wilder

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Barr, Crane, Ferrier, Ground, Lamont, Outerbridge, Scace, Mrs. Tait and Mr. Wardlaw.

POLICY

BAR ADMISSION COURSE
ARTICLING INTERVIEWS

The Chairman's Report dealing with articling interviews was before the Committee.

The Committee recommended approval of the Chairman's Report to apply in Metropolitan Toronto and that members elsewhere in the province be asked not to interview prospective students before the end of the second academic year.

The said Report is as follows:

RE: ARTICLING INTERVIEWS

For the past two years we have had guidelines for the conduct of articling interviews and while there are many imperfections there is general applause from the profession and the students for our efforts. Everyone involved feels that it is worth continuing with some improvements.

Everyone who has expressed an interest has been invited to offer suggestions. This culminated in a luncheon meeting of more than 20 including student representatives and lawyers from outside of Toronto.

There was agreement that August interviews are best for all concerned and that they should be somewhat earlier than last year, commencing outside Metro Toronto three weeks prior to the first opening of a law school and within Metro Toronto two weeks prior to the first opening of a law school.

The strongest objection to the existing system is that some firms were using a "shot-gun" procedure of hiring whereby the student is told that he can have as long as desired to accept an offer but it will be too late if the available positions are filled. This engendered panic and resentment in the students and encouraged students to accept an offer and continue to look for a better one.

Concern was expressed by students and lawyers at non-compliance by certain firms. Some encouragement was offered by Paul Kane of Ottawa who felt that general acceptance of the programme this year would induce Ottawa firms who did not comply to come into the fold.

We are being encouraged by all concerned to canvass the profession to determine who will and will not comply and then make the list available. Everyone wants the Law Society to be an enforcement body but that all understand why we do not wish to carry that role. The last item in the proposed guideline would implement this request but your Chairman has serious reservations because of the expense involved and the appearance that we are intruding upon the free will which should be associated with a guideline.

The student representatives at first suggested a fixed date before which offers could not be made but came to realize that this simply postponed the problems associated with "shot-gun" offers to another date and made their use inevitable.

The following formula was suggested:

> "It is the policy of the Legal Education Committee of the Law Society of Upper Canada that articling interviews conducted in one year for student positions commencing the following year to be subject to the following ground rules:
>
> 1. Student applications for interviews are to be submitted by the end of July (by which time second year results are available) and should be treated by lawyers without regard for the date of submissions.
> 2. Arrangements for interviews should be made following the end of July.
> 3. Interviews should be conducted outside Metro Toronto commencing not earlier than three weeks prior to the first opening of a law school within Metro Toronto (in the publication to the profession the actual dates will be inserted).
> 4. The profession should not make offers to students which explicitly or implicitly prevent the student from having a proper opportunity to complete a reasonable number of interviews and consider other offers. In particular, a student should not be told that an offer can be accepted at any time but will be too late if the available positions are then filled. The timing of acceptance or rejection should be discussed and considered on an individual basis to the end of fairness to both parties.
>
> This guideline is intended to benefit the students and avoid interference and anxiety during the academic year. To be effective, it must apply as well to out of province students but the Law Society can do nothing about out of Province lawyers interviewing Ontario students.
>
> Revisions have been made to overcome some of last year's problems and if these encourage even more to comply then the best interests of the students and the profession will be served."

BAR ADMISSION COURSE AND THE FRENCH LANGUAGE

Representations were made to the Society by l'Association des juristes d'expression francaise de l'Ontario with respect to the translation of Bar Admission Course materials into the French language. Further representations were received from the Association canadienne-francaise de l'Ontario with respect to the delivery of the Bar Admission Course in French. Copies of correspondence on these matters were before the Committee. The Chairman proposed that a sub-committee be appointed to study these questions.

Approved

CONTINUING LEGAL EDUCATION
REPORT OF THE SUB–COMMITTEE ON CONTINUING LEGAL EDUCATION

The sub-committee on Continuing Legal Education reported and made several recommendations, all as set out in the sub-committee's Report which was before the Committee in November 1981 and was allowed to stand until the January meeting.

With the concurrence of the Chairman, Convocation referred the Report back to the Committee.

ADMINISTRATION

FACULTY APPOINTMENTS
Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 2, 1981:

(a) Creditors' and Debtors' Rights Section

To continue as Head of Section, R.G. Marantz, Q.C.

Group Instructors (Osgoode Hall): K.R. Aalto, R.H. Chartrand, Andrew Dekany, T.M. Dolan, Wayne Dourley, H.M. Fogul, J.E. Gilgan, G.N. Hemsworth, John Herron, R.D. Howell, A.O. Jacques, A.J. Kent, E.B. Leonard, Ben Martin, J.S. McKeown, W.A. McLauchlin, R.B. Moldaver, Geoffrey Morawetz, A.L. Morin, D.J.T. Mungovan, Stanley Naftolin, N.S. Rankin, M.B. Rotsztain, J.E. Shaw, M.L. Solmon, Stephen Thom, R.W. Walker, A.I. Wexler.

Stand-by Instructors: G.R. Banfai, Frank Bennett, D.J. Brown, F.G. Felkai, Gerald Gold, M.H. Greenglass, M.D. Lipton, Martin Sclisizzi, M.M. Steidman, J.D. Wright.

Appointed Senior Instructor, Ottawa, Russell S. Kronick, Esq.

Group Instructors: R.D. Allard, M.N. Leamen, N.S. Slover, E.R. Williams, T.P. Connolly, W.A. Joyce.

Stand-by Instructor: J.R. Kearns.

Appointed Senior Instructor, London, Martin Stambler, Q.C.

Group Instructors: R.W. Dickie, R.B. Livingstone, C.H. Reeves, F.H. Highley, C.F. MacKewn.

Stand-by Instructors: J.W. Dunlop, N.W. Fursman, R.D. Mills.

(b) Real Estate and Landlord and Tenant Section

To continue as Head of Section, P.H.G. Walker, Q.C.

Group Instructors (Osgoode Hall): P.A. Adams, Q.C., D.A. Allport, D.R. Angelson, L.D. Barksy, B.T. Bernstein, M.J. Fingret, L.M. Hess, M.A. Kelly, B.E. LeVasseur, F.M.E. Marechaux, B.A. McKenna, D.J. McRae, E.N. Merkur, Paul Merrick, M.J. Mowbray, Paul Neubauer, Marsha Onyett, J.J. Prince, P.D. Quinn, Leighton Reid, R.W.J. Seyffert, R.E. Smolkin, D.V. Thomson, Sidney Troister, R.C. Watt, C.F. Winer.

Stand-by Instructors: T.D. Deacon, V.W. Hamara, A.C. Knox, Joseph Martinello, D.H. Milman, R.M. Ross.

To continue as Senior Instructor, Ottawa, L.J. Rasmussen, Esq..

Group Instructors: Arthur Ault, Brian Hebert, Robert Chartrand, F.G. Tanner, W.J. Honeywell, M.J. Siddons.

Stand-by Instructors: G.J. MacKay, G.L. Dubinksy, J.H. Deacon.

To continue as Senior Instructor, London, J.G. O'Grady, Esq.

Group Instructors: A.J. Hanes, J.R. Carrie, P.E. Bradley, D.W. Lewis, H.J. Little.

Stand-by Instructors: G.H. Kleiman, T.C. Uren, L.E. Parkhill, P.C. Gillespie.

Approved

SPECIAL PETITIONS

The Committee considered three petitions of a routine nature and recommended that two be allowed and that the third be denied and the applicant advised that it was premature since he had not yet obtained the LL.B. degree.

INFORMATION

BAR ADMISSION COURSE AND CONTINUING LEGAL EDUCATION

The Committee reviewed a statement setting out the Continuing Education programmes held in November and December 1981 and considered financial statements for the Bar Admission Course and Continuing Education for the six-month period from 1st July to 31st December, 1981.

THE REPORT AS AMENDED WAS ADOPTED

....

LEGAL AID COMMITTEE–Mr. Chadwick

Mr. J. B. Chadwick, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 9th December, 1981.

The following members were present: Robert J. Carter, Q.C., in the chair, Messrs. Barnes, Barr, Ms. Cornish, Mr. Crane, Mrs. Fleming, Mr. Gilchrist, Mrs. Jarmain, Messrs. Jones, Lamb, Ogilvie, Russell, Mesdames Smyth, Tait, and Mr. Wallace.

The following observer members were also present: Robert Holden, solicitor, for the Criminal Lawyers Association and Victor S. Paisley, solicitor, for The Advocates' Society.

POLICY

REPORT OF THE SUB–COMMITTEE TO REVIEW SERVICES TO THE HANDICAPPED

In recognition that 1981 was designated by the United Nations as the International Year of Disabled Persons, a Sub-Committee of the Legal Aid Committee was formed to investigate the access provided by legal aid services for disabled persons, and if necessary, to make recommendations for the improvement of such services. The Committee under the Chairmanship of Mrs. Kathleen Fleming consisted of Mr. David Graham, Mrs. Ruth Jarmain, Mr. Andrew M. Lawson and Ms. Mary Jane Mossman with Mr. J. Beaufoy as Secretary. As a result of a series of meetings held from February through November, 1981, including meetings with individuals involved with providing services directly to the handicapped, the Sub-committee submitted a Report dated December 2, 1981.

After a thorough review the Legal Aid Committee approved the following recommendations contained in the Sub-Committee Report in their entirety:

RECOMMENDATIONS TO THE LEGAL AID COMMITTEE

1. That in light of there being 23 Legal Aid Plan area offices which are not accessible or useable by disabled persons, the Legal Aid Committee instruct the appropriate Area Directors to investigate methods by which their offices can become accessible and useable and to report on the costs of same;

2. That the Legal Aid Committee recommend that whenever an area office lease is renewed or new premises sought, the needs of disabled persons be taken into account in an effort to ensure equality of access to legal aid offices;
3. That the Legal Aid Committee recommend to the Clinic Funding Committee that those of its clinics which are not accessible or useable by disabled persons investigate methods by which such clinics can become accessible and useable and report to the Clinic Funding Committee on the results of their investigations;
4. That the Legal Aid Committee recommend to the Clinic Funding Committee that when a clinic lease is renewed or new premises sought, the needs of disabled persons be taken into account in an effort to ensure equality of access to legal clinics;
5. That, in the meantime, the Legal Aid Committee advise those Area Directors whose offices are not accessible or useable by disabled persons *and* whose offices have no outreach program, to establish immediately a capacity for ensuring that individuals who cannot attend a Legal Aid office receive access to Legal Aid services through, for example, visits to homes and institutions by duty counsel;
6. That in light of the fact that four of five University-based Student Legal Aid Societies have only limited physical access to their offices for the handicapped and that two do not have comprehensive outreach programs, the Legal Aid Committee request the Director to contact the appropriate Deans with a view to encouraging the particular Universities to up-grade their facilities and programs for the handicapped;
7. That, in assessing financial eligibility for Legal Aid, Area Directors be advised (through an addition to the Area Directors' Manual) to note any special expenses which may be borne by disabled persons and treat such expenses as part of that individual's "ordinary expenses" for the purpose of assessing financial eligibility;
8. That a notice be placed in the Legal Aid Letter reminding the profession of the procedures to be followed to obtain permission to obtain sign interpreters for deaf clients and that the notice also inform the profession of the Canadian Hearing Society's province-wide interpreter network;
9. That the Legal Aid Committee recommend that material concerning the accessibility to Legal Aid Area Offices, Community Legal Clinics and Student Legal Aid Societies be presented to students of the Bar Admission Course each year;
10. That the Legal Aid Committee recommend to Convocation that the Director of the Department of Continuing Legal Education make proposals for the establishment of a program to be offered to the profession dealing with the provision of legal assistance, advice and representation to the handicapped;
11. That the Sub-Committee as its final task investigate the provision of legal aid services to individuals held involuntarily in psychiatric hospitals, in psychiatric units of general hospitals, those institutionalized in centres for the mentally handicapped and those institutionalized in chronic care

hospitals and to assist in this task, that additional members of the Legal Aid Committee be appointed to serve on the Sub-Committee and that the Sub-Committee also be expanded to include individuals involved in the delivery of services to institutionalized individuals.

ESTABLISHMENT OF A STUDENT LEGAL AID SOCIETY AT THE FACULTY OF LAW UNIVERSITY OF TORONTO

At the November Meeting of the Legal Aid Committee it was recommended that the Application from the Faculty of Law, University of Toronto, for the approval of the establishment of a Student Legal Aid Society at the said Faculty, together with the interim funding application for such establishment, be deferred until the Clinic Funding Committee had held a meeting with representatives of the Deans of Faculties of Law, University Based Clinics and Student Legal Aid Societies to conduct a review of the involvement of students in the delivery of legal services.

Correspondence was subsequently received from

> Dean Frank Iacobucci, Faculty of Law, University of Toronto, and
>
> Tom DeLorey, Student Representative on the Legal Aid Committee.

The Committee noted that the University of Toronto had indicated verbally that no interim funding was required if approval was given for such Student Legal Aid Society until April 1, 1982.

After careful review the Committee recommended:

> That in accordance with the provisions of the Regulations under the Legal Aid Act, the Legal Aid Committee approved the establishment of a Student Legal Aid Society at the University of Toronto under the direction of the Dean of the Faculty of Law. The Legal Aid Committee's approval is granted on the understanding that:
>
> (1) The Dean will ensure that the case management procedures, previously required by the Clinic Funding Committee, including the mandatory supervision by a full time qualified lawyer, are maintained and
>
> (2) The Legal Aid Committee is unable to make any commitment of funds for the continuation of the project after March 31, 1982, pending consideration of the Report on Student Legal Aid Societies and any recommendation arising therefrom.

SUB–COMMITTEE RE GROUP APPLICATIONS AND GRANTING OF CERTIFICATES IN TEST CASES

In June, 1977, Convocation approved the appointment of a Sub-Committee to consider the involvement of the Plan in providing legal aid for groups, in class actions and tests cases.

In October, 1977, Convocation further approved a recommendation that all applications for a Legal Aid Certificate to any Area Director in the province for any matter which might reasonably be considered a group application, an application for a class action or test case, should be referred to the said Sub-Committee for its consideration. The Sub-Committee would then communicate to the Area Director concerned, its advice as to the disposition of the matter including the appropriate contribution to be taken toward the cost of the services being funded.

It was considered that by reviewing actual applications, the Sub-Committee would be in the best position to develop a set of guidelines for handling future applications for legal aid, and if necessary, to formulate concrete proposals for amendments to the relevant legislation.

The Legal Aid Committee which is presently considering proposed amendments to the Regulation under The Legal Aid Act approved a Report from the Sub-Committee concerned with class actions, group actions and test cases that Section 39(a)(iv), be amended to permit a discretionary disposition of the types of cases which are caught by the present Section 39(a)(iv).

Section 39 of The Legal Aid Regulation reads as follows:

> 39. Subject to section 40, every application for legal aid not being within clause *d* or clause *e* of section 12 of the Act, shall be considered by the area director receiving it and if under all the circumstances, including questions of law or fact arising out of the applicant's claim to relief or defence or the nature of the matter sought to be dealt with by a solicitor,
>
> *(a)* it appears that,
>
> (i) the applicant requires legal aid in a matter in which he is concerned in a representative, fiduciary or official capacity and it appears the costs can

be paid out of any property or fund which is sufficient to pay such costs,

(ii) the applicant is entitled to financial or other aid or has reasonable expectations of such aid and has failed to satisfy the area director that such aid is not available to him,

(iii) the legal aid applied for is frivolous, vexatious, an abuse of the process of the court or an abuse of the facilities provided by the Act,

(iv) the relief sought can bring no benefit to the applicant over and above the benefit that would accrue to him as a member of the public or some part thereof,

(v) the relief sought, if obtained, is not enforceable in law,

(vi) the applicant has failed without reasonable justification in any obligation to the Law Society with respect to legal aid, or

(vii) the professional services sought are available to the applicant without legal aid,

he shall refuse to grant a certificate to the applicant, or

(b) it appears that,

(i) the applicant is one of a number of persons having the same interests under such circumstances that one or more may sue or defend on behalf of or for the benefit of all,

(ii) the applicant has the right to be joined in one action as plaintiff with one or more other persons having the same right to relief by reason of there being a common question of law or fact to be determined,

(iii) the application is for legal aid for which the applicant has previously received a certificate with respect to the same action or matter,

(iv) the relief sought is enforceable only in some other jurisdiction,

> (v) the cause of action may be prosecuted or defended only in a court of some other jurisdiction, or
>
> (vi) no sufficient reason for the granting of the certificate is shown at the particular time,
>
> he may refuse to grant a certificate to the applicant. R.R.O. 1970, Reg. 557, s.39.

The said Sub-Committee recommended to the Legal Aid Committee that the aforementioned Regulation be amended by deleting from Section 39(a)(iv) thereof the words "or some part thereof", and further by removing the balance of subsection (iv) remaining from paragraph (a) of the said Section and inserting it instead in paragraph (b) thereof as subsection (iii), and renumbering the remaining subsections accordingly.

The Legal Aid Committee approved the Sub-Committee's recommendations.

PROPOSED AMENDMENTS TO REGULATIONS AND FORMS

Over the past months proposed amendments to the Regulations as recommended by a Sub-Committee under the chairmanship of Robert E. Barnes, Q.C., and approved by the Legal Aid Committee, have been presented to Convocation.

The Legal Aid Committee recommended to Convocation that the following proposed amendments to the Regulations be approved:

Former Section 83 – *New Section 82*
Former Section 84 – *New Section 83*
Former Section 90 – *New Section 89*
Former Section 100 – *New Section 99*

Copies of the proposed amendments were before Convocation.

TAX ARREARS PROCEEDINGS

The Legal Aid Committee reviewed correspondence from George E. Wallace, Q.C., recommending that the Legal Aid Plan protect its lien on property by applying for redemption after paying the taxes, interest and penalties owing.

After in depth review the Legal Aid Committee recommended that discussions be held with the Ministry of Municipal Affairs for a ruling as to whether the Plan can, in fact, protect its lien on property by applying for redemption after paying the taxes, interests and penalties owing. If such ruling is favourable the Legal Aid Committee further approved the acquiring of the said property in question.

Copies of the said correspondence were before Convocation.

INFORMATION

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the seven-month period ended October 31, 1981, shows that payments from the Legal Aid Fund exceeded budget by $754,000 as follows:

	$	$
Over budget		
Criminal certificate accounts	323,000	
Civil certificate accounts	460,000	
Area Office costs	173,000	
Provincial Office costs	209,000	1,165,000
Under budget		
Duty Counsel payments	15,000	
Legal Advice accounts	2,000	
Salaried Duty Counsel Programme	63,000	
Community Clinic funding	106,000	
Research Facility	132,000	
Special Projects	93,000	411,000
		754,000

Income from sources other than the Province of Ontario exceeded budget by $1,345,000 as follows:

	$	$
Law Foundation	800,000	
Client contributions	342,000	
Costs recovered	66,000	
Miscellaneous	137,000	1,345,000

Statistics

The following table compares reported activity for the first seven months of this fiscal year with the activity for the same period in the previous fiscal year:

	7 Months ended		*% change*
	Oct. 31/81	*Oct. 31/80*	*from last year*
Summary Legal Advice	26,347	25,147	+ 4.8
Referrals to other agencies	38,794	40,519	– 4.3
Applications for certificates	63,929	66,539	– 3.9
Refusals	20,069	24,863	– 19.3
As a percentage of applications	31.4	37.4	
Certificates issued	46,440	46,733	– 0.6
Persons assisted by Duty Counsel:			
Fee for service	99,533	93,490	
Salaried Duty Counsel	27,673	32,239	
Total	127,206	125,729	+ 1.2

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	October 1981	*7 Months to Oct. 31/81*	*7 Months to Oct. 31/80*
Reviews on hand	942		
Reviews received	158	972	1032
	1100		
Settlements reviewed in	91	779	1123
Settlements awaiting review	1009		
	1100		

Appeals

	August	*September*	*October*
Appeals to Taxing Officer received during	–	–	1
Appeals heard by Taxing Officer	1	4	4
Appeals pending at the end of the month	11	5	1

Activity

	1981/82 Fiscal Year		*1980/81 Fiscal Year*	
	Month of Oct. 1981	*7 Months to Oct. 1981*	*Month of Oct. 1980*	*7 Months to Oct. 1980*
Accounts on hand at beginning	7227	12524	14106	12454
Accounts received	5967	38484	5983	39093
Total Accounts to be processed	13194	51008	20089	51547
Less: Files Cancelled	35	260	31	231
Accounts processed	5675	43264	5791	37049
Balance	*7484	7484	14267	14267
In addition to the number of accounts for services completed there were:				
Interim Accounts	478	3071	317	2545
Supplementary Accounts	350	2401	327	2070
Total	828	5472	644	4605

*Of this number 500 accounts have been examined, letters have been sent to solicitors and further information is awaited.

Accounts distributed for examination on November 2, 1981 were received on the following dates:

Criminal New Tariff Oct. 26, 1981 Civil New Tariff Oct. 7, 1981

AREA COMMITTEES

(a) APPOINTMENTS

Lennox & Addington Counties

William Sirman, solicitor

Niagara South

Alphonse S. Aboud, Esq.

Lambton County

William F. Higgins, Jr., solicitor
Paul Blundy, Esq.

(b) RESIGNATIONS

Lennox & Addington Counties

John Zado, solicitor

THE REPORT WAS ADOPTED

……

Mr. Chadwick presented the Report of the Legal Aid Committee of its meeting on Thursday, 7th January, 1982.

The following members were present: James B. Chadwick, Q.C., in the chair, Messrs. Barnes, Barr, DeLorey, Ellis, Ferrier, Mrs. Fleming, Mr. Guthrie, Mrs. Jarmain, Messrs. Jones, Lamb, Linden, Michon, Ogilvie, Russell, Mesdames Smyth, Tait, Messrs. Tebbutt and Wallace.

The following observer members were also present: Robert Holden, solicitor, for the Criminal Lawyers Association and Victor Paisley, solicitor, for The Advocates' Society.

POLICY

JOINT COMMITTEE

Lee K. Ferrier, Q.C., retired as Chairman of the Joint Committee and Mr. Chadwick will replace him as Committee Chairman.

The Legal Aid Committee approved the Report of the Joint Committee dated December 16, 1981, wherein it was recommended that the Joint Committee continue its function, not only as a liaison group between the Ministry of the Attorney General and the Law Society of Upper Canada, but also continue to formulate policy for the various pilot projects under its terms of reference. It was also recommended that the name "The Joint Committee" be retained.

The Report was before Convocation.

PROPOSED AMENDMENTS TO REGULATIONS AND FORMS

The Legal Aid Committee recommended to Convocation that the following proposed amendments to the Regulations be approved:

Section 128
Section 137

Copies of the existing Sections and the amended Sections were before Convocation.

AMENDMENTS TO TARIFF ITEMS (7)(1)(a)(i) AND TARIFF ITEM (8) OF SCHEDULE 2.

The Legal Aid Committee reviewed in depth and approved the proposed amendments to Tariff Items (7)(1)(a)(i) and Item (8) of Schedule 2. On November 26, 1981, Mr. Justice Eberle of the Supreme Court of Ontario dismissed an Appeal by the Provincial Director from a Decision of Master Saunders. A memorandum from the Legal Accounts Officer, dated January 5, 1982, setting out the existing Tariff and the proposed Amendment together with the Decision of Master Saunders of the Supreme Court of Ontario was before the Committee and Convocation.

INFORMATION

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the eight month period ended November 30, 1981, shows that payments from the Legal Aid Fund exceeded budget by $329,000 as follows:

Over budget	$	$
Duty Counsel payments	5,000	
Civil certificate accounts	508,000	
Area Office costs	159,000	
Provincial Office costs	200,000	872,000
Under budget		
Criminal certificate accounts	138,000	
Legal Advice accounts	5,000	
Salaried Duty Counsel Programme	70,000	
Community Clinic funding	79,000	
Research Facility	145,000	
Special Projects	106,000	543,000
		329,000

Income from sources other than the Province of Ontario exceeded budget by $1,537,000 as follows:

	$	
Law Foundation	800,000	
Client contributions	368,000	
Costs recovered	120,000	
Miscellaneous	249,000	1,537,000

At November 30, 1981, there was a balance in the Fund of $1,368,000.

Statistics

The following table compares reported activity for the first eight months of this fiscal year with the activity for the same period in the previous fiscal year:

	8 Months ended		*% Change*
	Nov. 30/81	*Nov. 30/80*	*from last year*
Summary Legal Advice	30,317	28,289	+ 7.2
Referrals to other agencies	44,160	46,238	– 4.5
Applications for certificates	73,435	75,392	– 2.6
Refusals	22,724	27,903	– 18.6
As a percentage of applications	30.9	37.0	
Certificates issued	53,117	53,297	– 0.3
Persons assisted by Duty Counsel:			
Fee for service	115,799	107,189	
Salaried Duty Counsel	32,693	38,930	
Total	148,492	146,119	+ 1.6

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	November 1981	*8 Months to Nov. 30/81*	*8 Months to Nov. 30/80*
Reviews on hand	1009		
Reviews received	80	1052	1152
	1089		
Settlements reviewed in	148	927	1336
Settlements awaiting review	941		
	1089		

Appeals

	September	*October*	*November*
Appeals to Taxing Officer received during	–	1	–
Appeals heard by Taxing Officer	4	4	–
Appeals pending at the end of the month	5	1	1

Activity

	1981/82 Fiscal Year		*1980/81 Fiscal Year*	
	Month of Nov. 1981	*8 Months to Nov. 1981*	*Month of Nov. 1980*	*8 Months to Nov. 1980*
Accounts on hand at beginning	7484	12524	14267	12454
Accounts received	6529	45013	5509	44602
Total Accounts to be processed	14013	57537	19776	57056
Less: Files Cancelled	43	303	36	267
Accounts processed	6442	49706	5401	42450
Balance	*7528	7528	14339	14339

In addition to the number of accounts for services completed there were:

Interim Accounts	453	3524	314	2859
Supplementary Accounts	403	2804	356	2416
Total	856	6328	670	5275

*Of this number 400 accounts have been examined, letters have been sent to solicitors and further information is awaited.

Accounts distributed for examination on December 1, 1981 were received on the following dates:

Criminal	New Tariff	Nov. 20, 1981	Civil	New Tariff	Nov. 9, 1981

AREA COMMITTEES

(a) APPOINTMENTS

Simcoe County

Thomas C. Dart, solicitor

(b) RESIGNATIONS

York County

Mark Scharf, solicitor
Mrs. Thelma Rosen
James Belshaw, Esq.
Michael J. Moldaver, solicitor
Stephen Morrison, solicitor

THE REPORT WAS ADOPTED

. . . .

CLINIC FUNDING REPORT

Mr. Chadwick presented the Report of the Director of Legal Aid, dated 7th January, 1982, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

The Director recommended to Convocation that the report of the Clinic Funding Committee dated January 7, 1982 be adopted.

The following are the recommendations of the Clinic Funding Committee contained in the said Report:

> The Clinic Funding Committee met on November 25 and again on December 16, 1981.
>
> The Clinic Funding Committee considered applications from clinics pursuant to s.148 of the Regulation on clinic funding, and recommended approval of funding, as follows:

Funds for Training Programs (s.148(l)(k))

	Up to $
McQuesten Legal and Community Services on behalf of clinics in Hamilton-Niagara Region	663.00

Funds for Supplementary Legal Disbursements (s.148(l)(m))

Industrial Accident Victims Group of Ontario	500.00

The Clinic Funding Committee also reviewed initial decisions of the clinic funding staff in accordance with the Regulation, and recommended approval of funding, as follows:

Toronto Community Legal Assistance Services	2,000.00
Capital Purchases and Premises	20,000.00

THE REPORT WAS ADOPTED

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Pepper (Chairman), Chilcott, Lochead, Wilson, Finlayson, Tebbutt, Ogilvie, Farquharson.

ADMINISTRATION

ANNUAL FINANCIAL STATEMENT

At its meeting in October, 1981, the Committee reviewed a Financial Statement for the year ended 30 June 1981, prepared by Clarkson Gordon, and recommended that it be approved by Convocation. The Committee had before it Clarkson Gordon's revised statement which takes account of the following:

(a) Grants received by the Society from The Law Foundation of Ontario for County and District Library purposes are now shown. In the earlier statement they had been omitted because the Auditors originally considered that the Society was acting as an agent for the County and District Associations.

(b) Investments held by the Errors & Omissions Insurance Fund and the Compensation Fund are valued as follows:

Short-term investments, at lower of cost and market.
Portfolio investments, at amortized cost.

In the earlier statement, the two types of investment were grouped together and all were valued at lower of cost and market.

The Committee recommended approval of these revised Annual Financial Statements.

PREFERRED AREA OF PRACTICE FEE

3,383 members have paid a total of $169,800 to be registered with Preferred Areas of Practice in the Society's records, the fee being $25 per member per area. In view of Convocation's decisions respecting this program, the Committee recommended that no further amounts be imposed on members.

EXECUTIVE POSITIONS

The Committee approved the retention of consultants to seek candidates qualified to fill the following positions:

(a) Under-Treasurer – this position is to be filled on a permanent basis.

(b) Director of Errors and Omissions Insurance – a new position recommended by the Executive Committee.

COMPUTER

Following the recommendation of the Committee, the Director of Finance interviewed Miss Teri Pristupa to determine whether her services should be retained in connection with the plan to place the Society's financial records on computer. The Committee recommended that Miss Pristupa not be retained.

Proposals have been received from Woods Gordon; Deloitte, Haskins & Sells and Peat Marwick.

The Committee recommended that Woods Gordon be retained.

TELEPHONE

A proposal has been received from Bell Canada to replace existing telephone equipment with a new system. Two interconnect companies have also been asked to review the Society's needs. Proposals will be submitted for Committee approval.

Meanwhile, additional lines have been added to provide direct access to Lawyer Referral Service, with a view to giving some relief to the existing equipment and operator.

Noted

POSTAGE

The Chairman instructed the Director to review postage costs with a view to determining where economies are possible, for example, by combining mailings to members.

Noted

PRACTICE AND INSURANCE COMMITTEE COLLECTION OF DEDUCTIBLES

In September 1981 it was recommended to Convocation that the Society give a guarantee to the Bank of Montreal in respect of loans which the Bank might make to members, as a means of assisting such members to meet their obligations to repay the Society for deductible amounts incurred on claims, and Convocation duly passed a motion that such a guarantee be given on the Bank of Montreal's Form L.F. 42 in an amount of $1,000,000. This guarantee was not issued.

Doubt was expressed as to the power of the Society to issue a guarantee. In a letter, dated 22nd December 1981, Messrs. Osler, Hoskin & Harcourt "are of the opinion that the Society does have power to give the guarantees in question". The Bank's standard form of guarantee (Form L.F. 42) was found to be inappropriate in the circumstances. Mr. G.W. deC. O'Grady, Q.C. submitted a revised guarantee and the Committee recommended its approval by Convocation. *(See motion, p. 39.)*

The Committee also approved a form of promissory note to be executed by members indebted to the Society for deductible portions of claims.

Arrangements were completed at the Bank regarding the rate of interest, namely, bank prime lending rate plus one per cent. A loan of up to $2,500 would be repayable in twelve monthly instalments; a loan of $2,500 or over repayable in twenty-four monthly instalments.

The Bank will follow its regular systematic collection procedure with defaulters and in the event of failure to collect, will claim from the Society on its guarantee. This would occur after about seventy-five days from first demand without response.

Approved

USE OF PREMISES

Parkdale Community Legal Services requested permission to use the Bar Admission Course facilities for a two-day symposium from Thursday evening, May 13, 1982 through Saturday, May 15, 1982.

The Committee recommended they be permitted to use the premises for this purpose provided they pay a maintenance charge.

REFUND OF ANNUAL FEES

Wilbert Ernest West, Q.C., of Brampton, died on 3rd October 1981. At the request of the firm of West and Robb, a refund of the fees paid for 1981 in the amount of $400 was made.

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become Life Members of the Society, effective 21st January 1982:

Samuel Gotfrid, Q.C.	Toronto
Roy McPherson Grant, Q.C.	Mount Forest

Approved

CHANGE OF NAME

Member

The following member requested that her name be changed on the rolls of the Society and submitted the required documentation:

From	*To*
Nancy Joan Harbin	Nancy Joan *Toran-Harbin* (Married Name)

Student Members

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Nancy Ann Zima	Nancy Ann Zima *Magguilli* (Married Name)
Margo Sharon Pressé	Margo Sharon Pressé *Peene* (Married Name)

Approved

RESIGNATIONS

Merrill Webster Shepard of North Vancouver, B.C. applied for permission to resign his membership in the Society and submitted his Declaration in support. Mr. Shepard requested that he be relieved of the requirements of publication in the Ontario Reports.

Bruce Knyvet Arlidge of Ottawa applied for permission to resign his membership in the Society and submitted his Declaration in support. Mr. Arlidge requested that he be relieved of the requirements of publication in the Ontario Reports.

Approved

MEMBERSHIP UNDER RULE 50

Incapacitated Members

The following members requested consideration of their applications as disabled members to continue their membership in the Society without payment of annual fees:

Robert Gordon Mathieson Parker	Toronto
Walter Earl Taylor, Q.C.	Sarnia

Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Altan Leslie Bowman Harrington	Thornhill
Justin Sullivan Mallon, Q.C.	Sarnia
Clara Miriam Muskat	Toronto
Alan Gore Trites, Q.C.	Toronto
Francis O'Brien Gerity, Q.C.	Toronto

Approved

PUBLIC INFORMATION COMMITTEE

Convocation approved the following expenditure subject to approval of the Finance Committee:

Dial Law Study	$2,500	
Reprinting Pamphlets	500	
Publicity re Lawyer Referral Service	500	$3,500

Approved

INFORMATION

ROLLS AND RECORDS

Appointment

The following member has been honoured by his appointment to Judicial Office and his membership in the Society will be placed in abeyance upon his assuming office:

Benjamin Lamb, Q.C. Toronto	Called – 24 June 1954 Appointed County Court Judge, Judicial District of York 10 November 1981

Deaths

The following members have died:

John William Kierdorf Ottawa	Called – 13 April 1981 Died – 7 November 1981
Richard Robert Easton, Q.C. Windsor	Called – 17 June 1943 Died – 4 November 1981
William Francis Riley, Q.C. Toronto	Called – 17 September 1923 Died – 14 November 1981
William Anthony Donohue, Q.C. Sarnia (Life Member)	Called – 16 October 1930 Died – 22 November 1981
Alan Albert Russell, Q.C. Willowdale	Called – 29 June 1949 Died – 24 November 1981
Allan Morris Mills, Q.C. Newmarket (Life Member)	Called – 17 September 1931 Died – 26 November 1981
Mary Katherine MacDonald Guelph (Life Member)	Called – 15 September 1921 Died – 9 November 1981
William Angus Davidson, Q.C. Peterborough	Called – 16 September 1954 Died – 28 November 1981
Lawrence Wengle Willowdale	Called – 23 June 1955 Died – 13 October 1981
Hamilton Cassels Jr., Q.C. Toronto	Called – 18 September 1947 Died – 12 December 1981
Joseph Sedgwick, Q.C. Toronto (Life Member)	Called – 8 October 1923 Died – 27 December 1981
Rowland Francis May, Q.C. Toronto (Life Member)	Called – 17 January 1929 Died – 22 December 1981
Reginald Harry Greenley Scarborough	Called – 26 June 1953 Died – 17 December 1981

Disbarments

The following member was disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society.

Patrick Luciani, Q.C. Welland	Called – 27 June 1957 Disbarred – Convocation 10 December 1981

THE REPORT WAS ADOPTED

. . . .

MOTION: ERRORS AND OMISSIONS INSURANCE REVISED GUARANTEE TO BANKER TO COVER LOANS TO MEMBERS FOR UNPAID DEDUCTIBLES

It was moved, seconded and *carried* that the revised guarantee to the Bank of Montreal in the form before Convocation in respect of loans which the Bank might make to members be approved.

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

GENERAL REPORT

Mr. P. G. Furlong, Vice-Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Genest (Chairman), Ruby and Yachetti (Vice-Chairmen), Cass, Cooper, Ogilvie, Mesdames Legge and Sutherland.

POLICY

DISCLOSURE OF DISCIPLINE PROCEEDINGS

The Committee discussed what should be the nature and extent of disclosure of discipline proceedings to interested parties, and approved guidelines.

Referred back to the Committee for further consideration.

CERTIFICATE OF GOOD STANDING

At present the Society's Certificate of Good Standing only discloses prior discipline proceedings if the member had been disbarred and re-admitted, or suspended for discipline reasons, and does not indicate prior reprimands in Committee or Convocation. The Alberta Law Society enquired why a member's prior discipline record is not shown on the Certificate of Good Standing form as it is a requirement in that province to disclose this information in similar circumstances.

The Committee recommended that the present form of Certificate of Good Standing be amended to reflect all findings of professional misconduct or conduct unbecoming against a member. It was further recommended that the matter be discussed at the next meeting of the Federation of Law Societies of Canada with a view to achieving uniformity on this issue amongst all Law Societies.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Ground (Chairman), Bynoe and Wardlaw (Vice-Chairmen), Genest, Lamont, McWilliams, Outerbridge, Ruby, Strauss and Mrs. Sutherland; and by invitation: Mrs. L. Legge and Mr. R. L. Anderson.

POLICY

PROPER DISBURSEMENTS AND THE ADEQUACY OF RULE 10.1

The Committee invited Mr. Robert L. Anderson, C.A., the head of the Society's Audit Investigation Department, to lead the discussion. Mrs. Legge, who had been a member of the Sub-Committee which proposed the present Rule 10.1, was also invited to attend and take part in the discussion.

The Committee discussed the practice of charging block disbursements on every file. For example, an account on a file will have a block disbursement item covering photocopying, postage, long distance charges and transportation. The figure will not necessarily cover the exact expense incurred but may be an attempt to approximate the cost. The Committee considered the argument that many items such as photocopying are difficult to cost exactly.

The Committee also discussed the practice of charging certain "overhead" expenses, such as word-processing costs and QuicLaw costs, to particular clients who make use of these facilities.

The Committee considered Rule 10.1 and paragraph 8 of the Commentary under Rule 10 which deals with disbursements. Part of the discussion concerned the question as to whether any part of the lawyer's overhead could be specifically charged to a client, whether as a "disbursement" or otherwise.

The Committee recommended that Rule 10.1 be amended to make it clear that the fee quoted in connection with a real estate transaction must include the cost to the lawyer of the services rendered by any other person, e.g., a freelance title searcher or conveyancer.

A Sub-Committee composed of Messrs. Outerbridge, McWilliams and Wardlaw was appointed to look further into the question of disbursements for the purpose of considering whether changes to the Rules of Professional Conduct are required. It is understood that they will be liaising with the Taxing Masters in Toronto.

ADMINISTRATION

CHARGING MEMBERS OF THE PUBLIC FOR COPIES OF THE PROFESSIONAL CONDUCT HANDBOOK

From time to time members of the public have requested a copy of the Professional Conduct Handbook. The practice in the past has been not to charge for copies in the interest of public relations. The handbook presently costs $5.

The Committee decided that it was good public relations to provide copies free of charge. It also approved the request that 100 copies be provided forthwith to Community Legal Clinics and 85 copies to Osgoode Hall Law School, York University for students taking the Legal Profession course.

INFORMATION

PROPOSED NEW RULE ON LAW CLERKS

As of December 29th, 1981, 121 written responses had been received from the profession. More are expected.

A synopsis of the responses will be prepared in January and a meeting of the Sub-Committee will be held to consider the responses with a view to making recommendations to the February meeting of the Committee.

SUB–COMMITTEE ON THE ROLE OF LAWYERS AS MORTGAGE BROKERS

A meeting of this Sub-Committee was held at the beginning of December. The Secretary was instructed to draft a report for consideration by the Committee at its February meeting.

JOINT SUB–COMMITTEE ON SOLICITOR/CLIENT RELATIONS

A report of this Joint Sub-Committee will be circulated shortly.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE – Mr. Farquharson

Mr. G.H.T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Friday, 11th December, 1981.

The following members were present: Messrs. Shaffer (Vice-Chairman in the Chair), Crane, Lerner and Mrs. Tait. Mr. G. W. Howell was also present.

ADMINISTRATION

REPORTING
CANADA LAW BOOK LIMITED
BUTTERWORTH'S – DATA BASE

The requests of Canada Law Book Limited and Butterworth's asking for the Society's consent to add the Ontario Reports to their respective Data Bases were before the Committee for its consideration. The Committee discussed the matter with counsel. The Committee, having heard counsel's advice, recommended that the Society enter into negotiations with Canada Law Book Limited and Butterworth's with respect to the granting of consent to adding the Ontario Reports to the Data Bases of those companies and that the following conditions be considered in the negotiations:

(1) the nature and type of service that the companies intend to give the Law Society;

(2) what capital assets the companies are prepared to give the Law Society;

(3) what user fee is to be charged the solicitors searching the Data Bases;

(4) what compensation the Law Society is to receive from the companies for its consent to place the Ontario Reports in the Data Bases of the companies.

THE REPORT WAS ADOPTED

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Mr. Farquharson presented the Report of the Libraries and Reporting Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Farquharson (Chairman), Bragagnolo, Crane, Mrs. Tait and Mr. Yachetti. Mr. Colin Bennett, Under Treasurer, was invited to be present. Messrs. D. V. Burnett and G. W. Howell were also present.

ADMINISTRATION

GREAT LIBRARY STAFF REORGANIZATION

The Chief Librarian outlined a proposal to re-organize the Great Library staff as indicated on an organizational chart.

After discussing the reasons for adopting a new organizational structure and hearing from the Under Treasurer, the Committee recommended that the new organizational structure, as amended, be approved. Copies of the organizational chart as amended were before Convocation.

APPLICATION TO THE LAW FOUNDATION OF ONTARIO

On December 1st, 1981, the Trustees of The Law Foundation of Ontario made a grant to the Society of $546,400, being the amount applied for. The Committee recommended that commencing with the first quarterly instalment of the distribution of the grant to the County and District Law Associations, the Chief Librarian should provide some guidance to the respective Associations with reference to the minimum standards the Law Society expects each Association to abide by concerning the purchase of books and the employment of staff.

REPORTING

ONTARIO REPORTS – COPYRIGHT

The Secretary reported that a non-profit company, The Law Library Microform Consortium of Honolulu, Hawaii, was circulating a catalogue indicating that the Ontario Reports, Volumes 1–32, 1889-1900 and Ontario Law Reports, Volumes 1–66 had been microfilmed by that company. The company has been in existence for 5–6 years and may be offering microfilm copies of these law reports to law libraries and legal firms in Canada. The Committee recommended that a legal opinion be obtained from counsel concerning the Society's legal position and his recommendation as to what action, if any, the Society should take in the matter.

RARE BOOK COLLECTION

A report of L. S. Willoughby, Q.C., a Vice-Chairman of the Committee, concerning his discussions of the Society's rare book collection with Mr. Robert S. Tebbutt was submitted for discussion together with a copy of Mr. Tebbutt's letter of October 29th, 1981. The Committee recommended that the Chief Librarian speak to Mr. Tebbutt and ask for any suggestions he may have. The Committee also recommended that an item be placed in the Communiqué asking members of the profession for donations to the Society's rare book collection on the occasion of the 150th anniversary of Osgoode Hall.

INFORMATION

ONTARIO REPORTS – COMPETITIVE BIDS

The Secretary reported that Invitations to Tender for publication of the Ontario Reports were sent to four companies – one company indicated that it will not be submitting a tender.

PHOTOCOPIERS FOR COUNTY LAW LIBRARIES

The Secretary submitted a letter from Mr. Crane concerning his meeting with the Attorney General. The Committee recommended that the Society should arrange a meeting with the Attorney General to discuss the supply and funding of photocopiers for all of the county law libraries.

GIFTS AND DONATIONS

The committee noted that the following gifts and donations had been received by the Great Library:

F. Joseph Cornish, Q.C.	Directories and Text Books
Mr. Fearon	Regulations of Ontario 1971-1980
F. Vincent Regan, Q.C.	Statutes of Bahamas 1965 Revision
Peter O. Bolder	All England Law Reports
John A. Stockwell	Various Statutes and Criminal Codes

BOOK LIST

A list of 39 new acquisitions by the Great Library was approved.

COMMENTS CONCERNING THE SELECTION OF CASES AND THE FORMAT OF THE PRINTING OF THE ONTARIO REPORTS

Several letters were received in response to the item in the Communiqué concerning the Ontario Reports. The Committee recommended that a meeting be arranged with the Editor in

Chief of the Ontario Reports to discuss the policy of selecting cases for inclusion in the Ontario Reports and other matters relating to the publication of the Reports.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. W. D. Chilcott, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Chilcott (Chairman), Bragagnolo (Vice-Chairman), McWilliams and Strauss. Mr. Burton Kellock, Q.C. was present by invitation.

ADMINISTRATION

1. Seven accounts were approved.

2. Several letters were received with copies of advertisements indicating that a company was operating an incorporation agency. The Committee recommended that further investigation of this matter should be made in accordance with Mr. Kellock's advice.

3. Several letters of complaint were received indicating that an agency may be acting as a solicitor. The Committee recommended that counsel be retained to investigate this matter and give a legal opinion as to whether there is sufficient evidence to prosecute for a breach of Section 50(1) of The Law Society Act.

4. A letter was received complaining that a treatment centre is mediating to help parents settle contentious issues. The Committee recommended that the Secretary be instructed to write to solicitors whose preferred area of practice is family law to ascertain whether the mediation process mentioned in the complaint is solicitor's work.

5. A letter was received from an employee of the Ministry of the Attorney General who is not a member of the Society but wishes to use on his professional card (Q.C. England). The pro-

fessional card would indicate that he is a provincial prosecutor attached to the Provincial Offences Appeal Court and it would only be handed out in that Court. The Committee recommended that the Secretary advise the employee who made the enquiry to seek the approval of the Attorney General of Ontario whose prerogative it is to award Q.C.'s in Ontario.

6. The Committee considered a number of other items of correspondence concerning a variety of matters and gave the Secretary appropriate instructions in each case.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Brulé (Chairman), Barr, Farquharson, Mrs. Legge, Messrs. Tebbutt and Wardlaw. Messrs. Bennett, Marshall, Hargraft and Doner were also present at the Chairman's request.

ADMINISTRATION

UNPAID COUNSEL'S ACCOUNTS

The Committee was asked to approve payment of an account for counsel fees in the amount of $5,000, which was outstanding under the Lloyds Policy. The correspondence was before the Committee.

Approved

The Committee was asked to approve payment of $5,000 to Lloyds, being reimbursement for part of the account paid in the amount of $10,118.88 for counsel fees on behalf of a member who was disbarred and became bankrupt. The account was before the Committee.

Approved

UNPAID DEDUCTIBLE – LLOYDS

The Committee was asked to approve payment of $811.68 to defence counsel for a Niagara Falls solicitor. Lloyds claim that they can withhold any payment until the whole of the deductible has been paid; the solicitor will be referred to Discipline in this connection. The Society previously paid two accounts totalling $4,188.32 and Lloyds counsel accounts over $5,000.

Approved

OLD FUND DEFICIT

As at 31st October 1981, the Old Fund had a deficit of $77,366.22. The Committee was asked to authorize the transfer of $100,000 from the 1981 Fund to the Old Fund. In 1977 $150,000 was transferred, in 1978 $125,000 and in 1980 $150,000. In 1979 $269,600 was allocated to the Loss Control programme.

The Committee recommended that the accounting question be referred to the Finance Committee for consideration.

DENIAL OF COVERAGE
PROTECTION OF THE PUBLIC

Two situations were brought to the Society's attention which involve hardship on members of the public because of the default of members of the profession.

In the first case, the member was negligent in connection with a mortgage transaction and a claim was made against him in excess of $50,000. He did not report the matter to the adjusters, an action proceeded against him which he did not defend, default judgment was recovered against him for a substantial sum and the judgment remains unsatisfied.

In the second case, the solicitor missed a limitation period for bringing a personal injury claim resulting from a motor vehicle accident. The amount involved does not exceed the individual deductible of $5,000 but though the member gave notice to the adjusters, he failed to take steps to defend the action or to settle the claim with the result that the matter proceeded to a default judgment.

Both cases were reported to the Discipline Committee and applications for payment from the Compensation Fund may be made.

The Committee was asked to consider whether in the first case described the pending action could be settled out of the insurance fund even though the policy was never properly brought into play and whether in the second case the Society should advance what is needed of the individual deductible and look to be repaid by the member.

The Committee recommended that the Chairman be authorized to retain counsel to advise the Society as to its legal position, including the effect payment by the Society would have under the arrangements that exist with the Society's insurers.

PRACTICE ADVISORY SERVICE

The Director's Reports for November and December 1981 were before the Committee.

The Committee recommended that the Treasurer be asked to form a special committee composed of members of the Discipline Committee, the Professional Conduct Committee and this Committee to consider and make recommendations respecting the matters raised in item A of the Report of the Director of the Practice Advisory Service. Consideration of the balance of the Report is deferred.

INFORMATION

COUNSEL FEES

A list of fees paid in November 1981 was before the Committee. The totals were noted as follows:

Fund Year	*Amount Paid*	
1978	3,540.75	
1979	7,107.84	
1980	14,229.49	
1981	10,029.66	$34,907.74

ADJUSTERS' FEES

Lists of fees paid in November and December 1981 were before the Committee. The totals were noted as follows:

Fund Year	*Amount Paid November*	*Amount Paid December*
Old Fund	2,981.64	1,377.00
1977	5,670.85	1,379.70
1978	11,293.61	3,761.72
1979	12,659.68	12,630.71
1980	22,910.15	22,218.18
1981	33,881.35	65,495.27
Guardian Tail	175.00	$106,862.58
	$89,572.28	

MONTHLY REPORTS

A report which was before the Benchers at Convocation in December, was before the Committee for its information.

Mr. Hargraft's monthly report for December 1981 was before the Committee.

Both reports were noted.

PROFESSIONAL LIABILITY POLICY

The Committee noted a letter from Marsh & McLennan Ltd., dated 22nd December 1981, confirming the renewal of the insurance policy for a further period of six months effective 1st January 1982.

THE REPORT WAS ADOPTED

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COMPENSATION FUND COMMITTEE–Mr. Ogilvie

Mr. Noel Ogilvie, Chairman, presented the Report of the Compensation Fund Committee of its meeting on Friday, 8th January, 1982.

The following members were present: Messrs. Ogilvie (Chairman), Chilcott, and Scace. Mr. S. Sherriff, Senior Counsel, Discipline was invited to be present.

POLICY

1. The following item which appeared on the October agenda of the Discipline Committee, Policy Section, was referred to this Committee to consider:

> "*Compensation Fund – Interim Payments.* At its June meeting this Committee concluded in a particular case that it had no power to authorize an interim payment out of the fund before the application had been heard. Your Committee was asked to consider whether this policy should be changed and if so on what basis and in what circumstances. Your Committee recommends that this matter be referred for consideration to the Compensation Fund Committee."

The Committee requested reports from Mr. Sherriff and Mr. Bell and deferred consideration of the matter until the next meeting.

ADMINISTRATION

1. Several accounts of Referees and Counsel for the Law Society were considered and approved.

2. Several Referee's Reports were considered and approved.

INFORMATION

1. The information concerning all claims to the Fund will be put on the computer. Meetings are taking place towards accomplishing this result.

2. The Compensation Fund Summaries for the months of November and December were received. The December Summary showed the amount of outstanding claims to be processed in the amount of $17,152,218.87.

THE REPORT WAS ADOPTED

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UNFINISHED BUSINESS

The Report of the Special Committee on J. Shirley Denison Bequest was not reached. Mr. P.B.C. Pepper, the Chairman of the Special Committee, informed Convocation that he also had for presentation a memorandum with respect to the activities of the Building Committee. These items, together with the Motion to Amend Rule 21(1) which was not dealt with, were directed to stand to the February Convocation.

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CONVOCATION ROSE AT 12:50 P.M.

. . . .

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice W. Gibson Gray of The High Court of Justice for Ontario, Mr. P. Michael Pitfield, Clerk of the Privy Council and Secretary to the Federal Cabinet, and Mr. S. R. Ellis, Q.C., who was recently appointed Director of the Bar Admission Course.

. . . .

Confirmed in Convocation 26th February, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF THE FIRST CONVOCATION HELD IN THE SESQUICENTENNIAL YEAR OF THE LAW SOCIETY'S OCCUPATION OF OSGOODE HALL

(ABRIDGED)

Saturday, 6th February, 1982
p.m.

To celebrate the one hundred and fiftieth anniversary of the first Convocation held in Osgoode Hall on 6th February, 1832, the Treasurer and Benchers attended a formal dinner in Convocation Hall and a ball in the Great Library with a large number of guests including Sir David Napley, former President of The Law Society, England; The Honourable Robert P. Kaplan, Solicitor General of Canada; A. Rendall Dick, Deputy Attorney General for Ontario; The Honourable W. G. C. Howland, Chief Justice of Ontario; The Honourable G.T. Evans, Chief Justice of the High Court of Justice for Ontario; The Honourable Bert J. MacKinnon, Associate Chief Justice of Ontario; The Honourable William D. Parker, Associate Chief Justice of the High Court of Justice for Ontario; His Honour William E.C. Colter, Chief Judge of the County and District Courts of Ontario; and His Honour William D. Lyon, Associate Chief Judge of the County and District Courts of Ontario.

Eight of the ten former Treasurers of the Society since 1958 attended:

John Josiah Robinette	1958-62
John Douglas Arnup (now Judge, The Supreme Court of Ontario, Court of Appeal)	1963-66
Brendan O'Brien	1966-68
William Goldwin Carrington Howland (now Chief Justice of Ontario)	1968-70
Sydney Lewis Robins (now Judge, The Supreme Court of Ontario, Court of Appeal)	1971-74
Stuart Thom	1974-76
Wesley Gibson Gray (now Judge, The Supreme Court of Ontario, High Court of Justice)	1976-78
George Duncan Finlayson	1978-80

Joseph Sedgwick who was Treasurer 1962-63 died 27th December, 1981 and Goldwin Arthur Martin who was Treasurer 1970-71 and is now a Judge of The Supreme Court of Ontario, Court of Appeal, was not in attendance.

……….

Following dinner the Treasurer, Mr. J. D. Bowlby, having ascertained that a quorum of Benchers for the transaction of business was in attendance, convened a Special Convocation of the Benchers in Convocation Hall in the presence of the invited guests.

The Treasurer, on behalf of the Benchers, welcomed the guests to the celebration of the one hundred and fiftieth anniversary of the first Convocation held in Osgoode Hall.

In his remarks, the Treasurer commented upon the history of Osgoode Hall and some of the memorable celebrations which had been held here in the past and particularly the ball held in the Great Library in honour of the Prince of Wales in 1860. He commended to those present the brief historical sketch of Osgoode Hall prepared for the occasion by Mrs. Lucy Booth Martyn.

The Treasurer praised those early members of the Society who had the wisdom and foresight to provide permanent quarters for the Society and the perseverance to see those quarters completed. He noted that as the centre of the Society's activities over the last one hundred and fifty years, Osgoode Hall in a very real way symbolized the proud heritage of the profession in the province, a heritage which each successive generation has nurtured and enriched.

PRESENTATION OF GIFT OF SILVER TO COMMEMORATE THE 150TH ANNIVERSARY OF THE FIRST CONVOCATION HELD IN OSGOODE HALL

It was moved by Mr. John J. Robinette, a former Treasurer of the Society and a Bencher ex officio since April, 1961, seconded by Mr. J. Douglas Crane, a Bencher elected in Convocation on 18th September, 1981, that the Treasurer accept from the present Benchers on behalf of the Society the gift of a silver salver inscribed to record the gratitude of the legal profession to those earlier Benchers who had the courage and wisdom to build for it this lovely hall in its handsome setting and who first met here on the sixth day of February, 1832.

Carried

The Treasurer accepted the gift on behalf of the Society.

....

PRESENTATION OF CASE OF PORT TO BE LAID DOWN FOR THE CELEBRATION OF THE 200TH ANNIVERSARY OF THE FIRST CONVOCATION HELD IN OSGOODE HALL

It was moved by Mr. Peter A. Mills, a Bencher elected in Convocation on 22nd January, 1982, seconded by Mr. Brendan O'Brien, a former Treasurer of the Society and a Bencher ex officio since May, 1967, that the Treasurer accept from the present Benchers on behalf of the Society a case of Port to be laid down for the enjoyment of the Benchers who will celebrate the 200th anniversary of the first Convocation held in Osgoode Hall.

Carried

The Treasurer accepted the gift on behalf of the Society.

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There being no further business before Convocation, the Treasurer declared Convocation adjourned and invited the assembly to proceed to the Great Library for the ball.

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Confirmed in Convocation 19th March, 1982.

J. D. BOWLBY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 26th February, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J.D. Bowlby) and Messrs. Arthurs, Bragagnolo, Brulé, Bynoe, Carter, Carthy, Cass, Chadwick, Chilcott, Crane, Ferrier, Finlayson, Furlong, Genest, Ground, Guthrie, Henderson, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, Mills, Noble, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Shibley, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw and Yachetti.

. . . .

MINUTES

The Minutes of Special Convocation of 21st January, 1982 and of Convocation of 22nd January, 1982 were confirmed.

. . . .

SPECIAL COMMITTEE ON 150TH ANNIVERSARY OF THE OPENING OF OSGOODE HALL

Convocation recorded its appreciation of the work of the Special Committee composed of Messrs. Outerbridge, Ferrier and Jarvis for the arrangements for the celebration of the 150th anniversary of the first Convocation held in Osgoode Hall on 6th February, 1982.

. . . .

APPOINTMENT TO STANDING COMMITTEE

It was moved, seconded and *carried* that Mr. *I.W. Outerbridge* be appointed to the Legal Education Committee.

. . . .

APPOINTMENT OF REPRESENTATIVE TO CLINIC FUNDING COMMITTEE

It was moved, seconded and *carried* that *Berta Zaccardi* be appointed a member of the Clinic Funding Committee as one of the Society's representatives.

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Mrs. Laura L. Legge (Chairman), Messrs. Carthy, Lamont, Pepper and Mrs. Sutherland.

ADMINISTRATION

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special – Regulation 5

The following candidate, having filed the necessary papers, paid the required fee of $200, and complied with the requirements of the Admissions Committee in his particular case, was entitled to be called to the Bar and to be granted a Certificate of Fitness:

Raymond Louis Britt, Jr.	Faculty of Law, University of Ottawa

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 42 candidates, having complied with the relevant Regulations, paid the required fee of $101, and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 24th Bar Admission Course.

Approved

DIRECT TRANSFER

The Committee considered an application to transfer to practise in Ontario from a member of the Nova Scotia Bar who sought permission to proceed under Regulation 4(1). The application was approved.

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation and was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Raymond Louis Britt, Jr.

. . . .

ORGANIZATION CHART UNDER TREASURER

Convocation had before it a proposed Organization Chart attached to which was the following Description of the Duties of the Under Treasurer:

> The office of the Under Treasurer is an adjunct to the office of Treasurer. In his role as General Manager, the Under Treasurer shall be responsible to the Treasurer and to Convocation for the managing and co-ordination of all phases of the operation, administration, finances, organization, supervision and maintenance of all activities of the Society and will serve as chief operating officer and perform all the functions and duties ordinarily associated with the position of chief operating officer including the following:
>
> (a) putting into effect all policies and procedures established by Convocation;
>
> (b) counselling and assisting the Treasurer and Convocation in the development, adoption and implementation of sound policies and objectives for the administration and advancement of the various functions of the Society;
>
> (c) advising and assisting in the engagement of officers and employees of the Society and directing such personnel in the ongoing administration of approved policies and programs;

(d) discharging such other duties and responsibilities as may be assigned by the Treasurer or Convocation.

It was moved, seconded and *carried* that the Organization Chart be adopted, the Admissions Committee to be included under the Secretary.

It was moved, seconded but *not put* that the Secretary should report directly to the Treasurer and that the Under Treasurer should equally report to the Treasurer.

It was moved, seconded and *carried* that the Treasurer appoint a committee to enquire into a method to enable all Benchers to vote whether present in Convocation or not.

The Under Treasurer, the Secretary and other non-Benchers present withdrew during the discussion relating to the motion that the Organization Chart and attached Description of the Duties of the Under Treasurer be adopted. The vote adopting the motion was taken during their absence and they returned.

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

Re: JAMES HOWARD FREEMAN DUNHAM, Hamilton

Mr. P. Genest, Chairman, placed the matter before Convocation.

The reporter was sworn.

Mr. Yachetti withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor did not attend and was not represented. Mr. Thomas J. Lockwood appeared for the Society.

Convocation had before it the Report of the Discipline Committee, dated 17th February, 1982, together with an Affidavit of Service, dated 22nd February, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail on 19th February, 1982.

Mr. Lockwood filed a letter, dated 23rd February, 1982, from Mr. David F. Smye, counsel for the solicitor, confirming that neither Mr. Smye or his client would be attending before Convocation on 26th February, 1982 and advising that they did not intend to challenge the recommendation made by the Discipline Committee.

The Report of the Discipline Committee found the solicitor guilty of professional misconduct. He had misappropriated over $65,000 of clients' trust funds.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, namely, that the solicitor be disbarred.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

. . . .

Re: SAMUEL STEIN, Toronto

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend, nor did counsel on his behalf. Mr. Thomas J. Lockwood represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 11th February, 1982, together with an Affidavit of Service, dated 16th February, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail on 12th February, 1982.

Mr. Lockwood filed a letter, dated 17th February, 1982, from Mr. Harvey H. Wengle, Q.C., who represented the solicitor before the Discipline Committee, verifying that he had advised the solicitor that the matter was scheduled to proceed before Convocation on 26th February, 1982, that he had not been retained by the solicitor to appear before Convocation and that the solicitor had not stated his intention to appear or to contest the Report of the Discipline Committee.

The Report found the solicitor guilty of professional misconduct. He had made misrepresentations to clients in connection with a mortgage transaction and misapplied funds given to him for investment purposes by clients.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, namely, that the solicitor be disbarred.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled; and that Convocation neither endorses or rejects the additional observations made in the Recommendation of the Discipline Committee.

It was moved, seconded and *carried* that all the words after the word "cancelled" be deleted from the motion to disbar.

The motion to disbar as amended was *carried*.

Counsel and the reporter withdrew.

. . . .

Re: NORMAN JAMES PETER MELNICK, Toronto

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

Messrs. Arthurs, Brulé, Ground, Mrs. Legge and Mr. Lerner withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. Ian G. Scott, Q.C. The Society was represented by Mr. S. E. Sherriff.

Convocation had before it the Report of the Discipline Committee, dated 11th February, 1982, together with an Affidavit of Service, dated 16th February, 1982, by Brian Ross Fraser, that service had been effected upon the solicitor by registered mail on 12th February, 1982.

The Report found the solicitor guilty of professional misconduct. He had failed to maintain his professional accounts properly and certain clients' funds, though at all times under his control, were placed in a trust account other than his firm trust account.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, namely, that the solicitor be reprimanded in Convocation and ordered to pay the Society's costs incurred in the investigation and hearing of this Complaint, within 90 days of such Order, and that such costs to date were in the amount of $3,750.

The solicitor, counsel and the reporter withdrew. They returned.

Mr. Sherriff made submissions as to penalty.

Mr. Scott made submissions as to penalty.

Mr. Sherriff made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation and ordered to pay the Society's costs of the investigation and hearing, in the amount of $3,750, within 90 days of such Order.

It was moved and seconded that the solicitor be suspended from the practice of law for a period of six months.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions respecting penalty that were before Convocation.

Counsel made no further submissions.

The solicitor, counsel and the reporter withdrew.

The motion that the solicitor be suspended for a period of six months was *lost.*

The motion that the solicitor be reprimanded in Convocation and required to pay the Society's costs was *carried.*

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's disposition of the matter.

The solicitor waived his right to appeal and asked that the reprimand in Convocation be delivered forthwith.

Counsel and the reporter retired.

The Treasurer reprimanded the solicitor.

The solicitor retired.

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FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Messrs. Pepper (Chairman), Chilcott, Guthrie, Scace and Shaffer.

ADMINISTRATION

ARREARS OF ANNUAL FEES

Annual fees for 1981/82 were due on October 1, 1981 and notices have been sent as follows:

1st notice – September 15, 1981
2nd notice – December 8, 1981
3rd notice (and letter) – January 25, 1982

On February 11, there were still 633 members who had not paid their fees, although each notice included a reminder that the rights and privileges of members may be suspended if fees are not paid within four months of the due date. Suspension of these members could therefore be ordered by Convocation on February 26, 1982.

The Committee recommended that those members who had still not paid be suspended by Convocation on February 26, 1982.

See motion, p. 69 .

ANNUAL FEES AND COMPENSATION FUND LEVY

Two members, *Hyman Bloom* and *H. Clifford Yanover*, requested exemption from or abatement of annual fees and compensation fund levy.

Their situation, as outlined in their letter, is that they are attending medical school at McMaster University. It is not known how many members may be in similar circumstances. It is known that a number of members write or telephone requesting exemptions or abatement because they are unemployed or out of the Province. Many members in non-practising types of employment have also asked exemption from Compensation Fund Levy.

The following is a summary of membership as at 31st December 1981:

Members exempt annual fee and compensation fund levy:

Life Members	351	
Exempt under Rule 50	247	598

Members paying annual fee and compensation fund levy:

Practising	10,641	
Employed in education, government, corporations	2,519	
Retired or not employed	482	
Out of province	744	14,386

The two members who have written fall into the "retired or not employed" category which appears to have more of the latter than the former. A further breakdown of this code by year of call shows that the majority (379 members) were called in the last ten years.

The Committee was asked to consider the following:

(a) Should the present rule by which all fee paying members pay compensation fund levy be modified to exclude any class of member.

(b) Should any abatement of annual fees be permitted for any class of member other than those already exempt.

The Committee recommended that no change be made.

See motion, p.76.

USE OF PREMISES

Professor Frederick H. Zemans of the Osgoode Hall Law School of York University requested the use of the Bar Admission Course facilities for a meeting of the Law and Society Association from Friday, June 4, 1982 to Sunday, June 6, 1982.

The Committee recommended that permission be granted to use the premises for this purpose provided a maintenance charge is paid.

LIFE MEMBERS

Pursuant to Rule 49, the following member is eligible to become a Life Member of the Society effective 18th February 1982:

Cecil Robert Croll, Q.C.	Windsor

Approved

CHANGE OF NAME

(a) Member

The following member requested that his name be changed on the rolls of the Society and submitted the required documentation:

From	*To*
Donald Stephen Douglas Hobson	Donald Stephen Douglas *Keller-Hobson* (Court Order)

Approved

(b) Student Members

The following student members requested that their names be changed on the rolls of the Society and submitted the required documentation in support:

From	*To*
Zave Aronovitch	*Walter* Zave Aronovitch (Court Order)
Laurie Elaine Forbes	Laurie Elaine *Barrett* (Maiden Name)
John William Hill	John William *Chidley-Hill* (Court Order)

Approved

RESIGNATIONS

(a) *Irene Agnes Bonetti* of London, England, applied for permission to resign her membership in the Society and submitted her Declaration in support. Madam Bonetti requested that she be relieved of the requirements of publication in the Ontario Reports.

Approved

(b) *James McLean Lambert* of Mississauga applied for permission to resign his membership in the Society and submitted a letter in lieu of a Declaration in support. The Committee approved this resignation without publication in the Ontario Reports being required.

(c) *Robert John Leach* of Stouffville applied for permission to resign his membership in the Society and submitted his Declaration in support.

Approved

(d) *Donald Jerry O'Brien* of Chatham applied for permission to resign his membership in the Society by reason of medical disability. His application through the Discipline Department was before the Committee. The Committee approved this resignation subject to Mr. O'Brien filing an accountant's certificate.

MEMBERSHIP UNDER RULE 50

(a) Incapacitated Member

The following member requested consideration of his application as a disabled member to continue his membership in the Society without payment of annual fees:

Rupert Beatty Carleton	Westmount, Quebec

Approved

(b) Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees and submitted formal applications:

Herbert Courtney Kingstone	Ottawa	Retired 16 October 1981
Hugh Murvyn MacMaster	Scarborough	Retired 30 June 1981
James Edgar Watson, Q.C.	Windsor	Retired 1 July 1981
Thomas Robert Wilcox, Q.C.	Kingston	Retired 31 December 1981
James McLaurin Whyte	Aurora	Retired 31 December 1981

The Committee approved these applications subject to Mr. Whyte being required to pay his outstanding fees for 1981/82.

LAW SOCIETY – LONDON PREMISES

The Law Society had received from London Towers a firm proposal for the lease by London Towers to the Society of premises in the building complex known as London Towers, the municipal address whereof is 379 Dundas Street, London, Ontario. The terms of this proposal are contained in a letter dated February 4, 1982 received by the Chairman of the Legal Education Committee from Messrs. Jeffery & Jeffery of London. The said letter was before the Legal Education Committee at its February meeting for consideration and for approval and acceptance of the said lease. The Legal Education Committee recommended approval, subject to clarification of the increase in rent applicable to the second five-year period and to the approval of this Committee.

Approved

INFORMATION

ROLLS AND RECORDS

(a) Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

John Gerald Michael White, Q.C. Hamilton	Called – 18 September 1947 Appointed Judge, Supreme Court of Ontario High Court of Justice – 17 December 1981
Robert Michel Bourassa Kingston	Called – 24 March 1972 Appointed Territorial Court Judge North West Territories – 16 January 1982

(b) Deaths

The following members have died:

Alan John Patrick Cameron, Q.C. Islington (Life Member)	Called – 11 September 1919 Died – 3 January 1982
Elmer Walter Sopha, Q.C. Sudbury	Called – 15 September 1955 Died – 4 January 1982
George Wood Willard Stoddart Toronto	Called – 16 September 1943 Died – 10 March 1981
Edward Henry Hill Toronto	Called – 17 April 1947 Died – 31 December 1981
Alexander MacKay Forbes, Q.C. Orillia	Called – 18 November 1937 Died – 14 January 1982

(c) Disbarments

The following former members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Robert Leroy Irwin, Q.C. Wallaceburg	Called – 26 June 1958 Disbarred – Convocation 21 January 1982
Dennis Dushan Kroul Toronto	Called – 22 March 1968 Disbarred – Convocation 21 January 1982
Leslie Lennart Falk Courtenay, British Columbia	Called – 19 March 1970 Disbarred – Convocation 21 January 1982

Noted

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: ARREARS OF ANNUAL FEES AND COMPENSATION FUND LEVY 1981/82

It was moved, seconded and *carried* that the Barristers and Solicitors who had not paid their 1981/82 annual fees and compensation fund levy and whose names were before Convocation be suspended from practice for a period of one year from 26th February, 1982 and from year to year thereafter, or until their fees are paid.

The 315 Barristers and Solictiors whose names were before Convocation on 26th February, 1982 were suspended as of that date. Subsequently 159 were reinstated and the following 156 are still suspended:

David Graeme Algie	Brockville
Laura Eve Alper	Toronto
Michael Henry Altman	Vancouver, B.C.
Michael Frederick Daniel Armstrong	Scarborough
Winston Alphonso Ashmeade	San Francisco, California
Alan Finlay Ashton	Richmond Hill
Mark Baker	Toronto
John Jardine Barkwell	Calgary, Alberta
Craig Spencer Barnard	Downsview
David Edward Lamberton Beach	Yellowknife, N.W.T.
Mary Elizabeth Beckett	Toronto
Richard Paul Begin	North Vancouver, B.C.
Michel Paul Joseph Berthiaume	Orleans
Laura Diana Berzins	Huntsville
John Frederick Michael Betcherman	Richmond Hill
Stephen Ivan Bird	Islington
David Allen Blair	Belleville
Hyman Bloom	Dundas
Judith Anne Booth	St. Clair Beach
James Hill Borland	Alexandria, Virginia
Gerald Joshua Boyaner	Montreal, Quebec
Robert Michael Boyer	Calgary, Alberta
Veronica Mary Brady	Toronto
Richard Derek Broughton	Toronto
Douglas Rhodes Chalke	North Vancouver, B.C.
Ann Elizabeth Chapman	Ottawa
Eugene Edward Chorozy	St. Catharines
David Michael Cole	Windsor
Michael Vincent Conlin	Maseru, Lesotha, Africa
Barbara Ellen Cotton	Calgary, Alberta
John Robert Crerar	Hamilton
Donald MacGregor Cross	London
Michael Shaun Daniher	Toronto
Lynne Felicy Davis	Fenelon Falls
Susan Marjorie De Gruchy	London
Louise Angélique de La Fayette	Ottawa
Vladimir Desanti	West Palm Beach, Florida
David Cuzner Doney	North Bay
Colin James Douglas	Weston
Kenneth Wayne Dryden	Senneville, Quebec
Nancy Eileen Edwards	Oxford, England
Colleen Ann Fee	Calgary, Alberta
Brian Barry Finer	Downsview

Randall Charles Fleming	Regina, Saskatchewan
David Malcolm Florence	Whitehorse, Yukon
Malcolm Blake Ford	Victoria, B.C.
Edwin Albert Foster	Calgary, Alberta
Frank George Foster	Peterborough
Kevin Patrick Foster	Toronto
David Glenford Francis	St. Thomas
Sylvia Anne Franke	Willowdale
Elizabeth Jill Fraser	Calgary, Alberta
Malcolm Bradley Fraser	Palgrave
Sheldon Freedman	New York, N.Y.
Frederick Howard Fruitman	Brookline, Mass.
Jennifer Louise Garvie	Regina, Saskatchewan
Eugene Paul Gerhart	Lethbridge, Alberta
Mary Ann Gerhart	Lethbridge, Alberta
Gordon Merle Gervais	Paris, Tennessee
Peter Balfour Glassford	Montreal, Quebec
Christopher Stanley Godfrey	Toronto
Arthur Allan Ogilvie Graham	Ottawa
Yvette Gisele Graham	Moncton, N.B.
Gregory Calvert Ham	Weston
James Gerard Hanley	Calgary, Alberta
Naaman Merrill Helfield	Toronto
Ernest Robert Hennessey	Burlington
William Lyle Hess	Calgary, Alberta
Lynne Frances Holland	Calgary, Alberta
David John Leroy Holmes	Ottawa
Patricia Ann Horsford	Soutfield, Michigan
Arthur Blair Inch	Toronto
Robert Ballantyne Isbister	Calgary, Alberta
Allaudin Hassanali Jinnah	Los Angeles, California
Saul Katz	Calgary, Alberta
Peter James Kehoe	Halifax, N.S.
Victor Robert Kennedy	Toronto
Michael Cameron Keon	Owen Sound
Jeffrey Lewis Kirsch	Toronto
Paul Walter Lackowicz	Kitchener
Jeffrey Clark Lawrence	Ottawa
Howard Ian Lichtman	Toronto
Joyce Irene Lillegran	Mississauga
Douglas Alan Little	Kettleby
Taivi Lobu	Thunder Bay
Mary Anne Patricia Logan	Windsor
Irene May Lun Loh	Vancouver, B.C.
Denyse Cecile Vigors MacKenzie	Chicago, Illinois
John Eric MacNaughton	Toronto
Walter Joseph Makowy	St. Catharines
Ronald Kevin Mann	Edmonton, Alberta
Dawn Chizu Maruno	Don Mills
Daniel Patrick McBurney	Calgary, Alberta

William Edward McCaughey	Chelsea, Quebec
Leslie James McDonald	Ottawa
Joanna Linda McFadyen	Washington, D.C.
David John McGhee	Calgary, Alberta
Patrick Paul McLaughlin	Calgary, Alberta
MacKenzie Robert John McMillan	London
Margaret Elizabeth McReynolds	Barrie
Cheryl Diane Meikle	Yellowknife, N.W.T.
Eric Ronald Menchetti	Ottawa
Jona Laurelle Morra	Toronto
Gudrun Mueller-Wilm	Downsview
Bradley Michael Nairn	Windsor
Neil Warren Nichols	Edmonton, Alberta
Raymond Arthur Peter Neijadlik	Toronto
Frank Evan Orenstein	Toronto
John Ozimac	Windsor
Eric Harvey Palmer	Hamilton
Marina Sarah Paperny	Calgary, Alberta
Toomas Piliste	Burlington
Robert Frederick Stanley Plain	Toronto
Joseph Baer Pomerant	Toronto
Keith George Prosser	Kasa Bonika
Redmond Charles Hamilton Quain Jr.	Ottawa
Stephen Harry Quist	Ottawa
John Brian Radigan	Hamilton
Michael William Evan Ratcliffe	Windsor
Michael MacLachlan Reddy	Toronto
Donald George Redekop	Vancouver, B.C.
William John Renahan	Willowdale
Paul John Ridding	West Hill
Ronald Frank Robinson	Toronto
Friedhelm Roth	Edmonton, Alberta
Lee Gordon Rubenok	Toronto
Donald Murray Garth Sanderson	Kitchener
William Wilfred John Schuck	Willowdale
Michael Douglas Sharpe	Calgary, Alberta
Ronald Alastair Short	New York, N.Y.
Beverley Gault Smith	Fredericton, N.B.
Barry Snaper	Toronto
Charles Robert Steinberg	Toronto
John Joseph Michael Stoesser	Regina, Saskatchewan
William Howard Stone	Toronto
Norman John Stroud-Drinkwater	Toronto
Sheldon Andrew Sugden	Toronto
Mark Frederick Symes	Brampton
Mart Tarum	Don Mills
John Richard Taylor	Thunder Bay
Albert Edward Thoms	Toronto
David Neil Thomson	Vancouver, B.C.
Jean Elizabeth Turner	Hull, Quebec

Peter Joris Duff Van Wyck	Ottawa
Edward Veitch	Fredericton, N.B.
Frances Margaret Viele	Toronto
Reagan David Walker	Edmonton, Alberta
Robert John Walpole	North Bay
Jon Milton Webb	Toronto
Thomas Louis Weiss	Toronto
Samuel Wetston	Mississauga
Richard Siu-Dick Wong	Toronto
Harvey Clifford Yanover	Hamilton
Patricia Mary Edith Youdan	London
Jeffrey Bard Zahn	Toronto
Ronald Martin Zboril	Whitehorse, Yukon

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CONVOCATION ADJOURNED FOR LUNCHEON AT 1:05 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Arthurs, Brulé, Bynoe, Carter, Carthy, Chadwick, Chilcott, Crane, Doran, Farquharson, Ferrier, Furlong, Genest, Ground, Guthrie, Mrs. Legge, Messrs. Lerner, McWilliams, Mills, O'Brien, Ogilvie, Scace, Shaffer, Shibley, Mesdames Sutherland and Tait, and Mr. Wardlaw.

. . . .

DISCIPLINE COMMITTEE (Continued)

GENERAL REPORT

Mr. Genest presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Messrs. Ruby (Acting Chairman), Yachetti (Vice-Chairman), Cass, Finlayson and Mrs. Sutherland.

POLICY

DISCLOSURE OF DISCIPLINE PROCEEDINGS

After some discussion, it was decided to defer this matter until after the meeting of the Federation of Law Societies to be held in Charlottetown, P.E.I., on March 1, 1982.

ADMINISTRATION

MISCELLANEOUS

The Committee discussed and dealt with a number of routine matters.

THE REPORT WAS ADOPTED

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NOTICE OF MOTION TO AMEND THE RULES (DISCIPLINE PROCEDURES)

Notice was given by Mr. Genest of a motion that he will place before the Regular March Convocation on 19th March, 1982, seconded by Mr. Furlong, that the Rules made under The Law Society Act be amended to permit the establishment of disciplinary panels in accordance with the recommendation contained in the Report of the Sub-Committee on Discipline Procedures (Special Committee on Convocation), which was adopted as amended by Special Convocation on 10th December, 1981; and that at the same time a final draft of the Proposed Amendments to The Law Society Act and the Regulation and Rules thereunder will be presented for Convocation's approval.

. . . .

PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J.A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meetings on Thursday, 11th February, 1982, and Thursday, 25th February, 1982.

The following members were present: Messrs. Brulé (Chairman), Barr, Doran, Mrs. Legge, Messrs. Noble and Wardlaw. Messrs. Forbes, Hargraft and Marshall were present at the Chairman's request.

ADMINISTRATION

UNPAID COUNSEL'S ACCOUNTS

The Committee approved payment of two accounts for counsel fees, one in the amount of $633.23 and the other in the amount of $580.85.

The Committee recommended that all the unpaid accounts for Lloyds cases be referred to the Discipline Committee.

UNPAID DEDUCTIBLES – EX-PARTNERS

The Claims Manager asked for instructions in the following three instances, where a firm which is no longer in existence is sued:

(a) The partner who had handled the file was asked to pay the deductible. He said that as the firm was sued he would only pay one half. The ex-partner said that the erring partner was to pay it all and he would not contribute.

The Committee recommended that this matter be referred to counsel for an opinion.

(b) One partner of a firm was involved in a financial undertaking. The co-venturers sued the firm. The loss was outside the coverage. The innocent partner feels that he should not be involved in any expense even for the defence of getting him out of the action. The ex-partner has refused to acknowledge responsibility for any expenses incurred by the innocent partner.

The Committee recommended that this matter be referred to counsel for an opinion.

(c) Only one of three ex-partners has any money, and he, although innocent, has undertaken to pay the whole deductible on behalf of the firm, on the undertaking from the Society that if it receives anything from either of the other two partners or the trustee in bankruptcy of either partner, this will be refunded to him.

Noted

1982/83 ERRORS AND OMISSIONS LEVY

The levy for six months from 1st January to 30th June 1982 was due 1st January 1982 and is now being collected. The Committee was asked to consider the due date of the next levy.

It was suggested that the next levy be for a six-month period to avoid the administrative difficulties which arose in 1981 when members were allowed an option of paying in one amount or in two instalments. The second six-month levy would be collected in 1983.

The Committee recommended that the due date be 1st July 1982.

INFORMATION

COUNSEL FEES

A list of fees paid during December 1981 and January 1982 was before the Committee. The following totals were noted:

Fund Year	*Amount Paid*	
1977	$ 3,741.75	
1978	$11,238.48	
1979	$11,259.63	
1980	$59,437.30	
1981	$71,680.40	$157,357.56

ADJUSTERS' FEES

A list of fees submitted in January 1982 was before the Committee. The following totals were noted:

Fund Year	*Amount Paid*	
Old Fund	$ 36.50	
1977	nil	
1978	$ 2,629.00	
1979	$ 8,114.05	
1980	$ 9,966.06	
1981	$31,947.11	
1982	nil	
John Does	$23,569.21	$76,261.93

This amount plus an amount of $31,862.58 outstanding from December totalling $108,124.51, is not yet paid.

MONTHLY REPORT

Mr. Hargraft's monthly report for January 1982 was noted by the Committee.

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On Thursday 25th February 1982 the Committee met again, the following members being present: Messrs. Brulé (Chairman), Farquharson, Mrs. Legge, Messrs. Noble, O'Brien, Tebbutt and Wardlaw. Messrs. Bennett, Burnett and Hargraft were also present.

The Committee recommended that the Society ask Marsh & McLennan, its brokers in respect of errors and omissions insurance, to obtain the best renewal of coverage they can for the 12 months beginning 1st July 1982.

THE REPORT WAS ADOPTED

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MOTION: ANNUAL LEVY

It was moved, seconded and *lost:*

1. That payment of the levy by those not in practice be reconsidered;
2. That the rate of levy be established as a percentage of trust funds held by the solicitor;
3. That the Finance Committee consider applications for relief on grounds of indigency.

....

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Arthurs, Barr, Crane, Doran, Ferrier, Lamont, Lerner, Noble, Outerbridge, Scace, Mrs. Tait, Messrs. Thom and Wardlaw.

POLICY

CONTINUING LEGAL EDUCATION – REPORT OF THE SUB–COMMITTEE ON CONTINUING LEGAL EDUCATION

At the January Convocation, the report of the sub-committee chaired by Ian Outerbridge was presented for approval of certain recommendations contained therein. Convocation referred the matter back to the Legal Education Committee so that the recommendations could be redrafted to identify precisely what action is called for and provide a focus for debate. Question was also raised as to the appropriateness of creating a new Committee.

Messrs. Carthy, Ferrier and Arthurs met on February 4th to draft a revised report for consideration by the Legal Education Committee with the following result.

Much of the report of the Outerbridge sub-committee reflects findings arising from its studies and is useful advice to those who are responsible for Continuing Legal Education but requires no present action or approval.

The single substantive issue arising from the report and requiring decision is the recommendation that a new Standing Committee of the Law Society be formed to be responsible for Continuing Legal Education.

For purposes of debate an alternative approach would be to form a sub-committee of the Legal Education Committee to supervise and operate the C.L.E. functions, creating at the same time a twin sub-committee to supervise and operate the Bar Admission Course, leaving the Legal Education Committee to deal with policy issues covering the spectrum of Legal Education.

The apparent virtue of a separate committee is that it could function independently subject only to control by Convocation with a separate staff, a separate budget and the potential to expand its membership and administration as circumstances dictate. The Legal Aid Committee is the obvious comparison.

The apparent advantages of forming two sub-committees and maintaining the Legal Education Committee is that it would be preserving policy control at that level over all possible concerns of Legal Education, some of which might not fall into either Bar Admission or C.L.E. such as Law School interaction and others of which might involve interaction between Bar Admission and C.L.E. such as co-ordination of teaching within the course and to recent graduates. There might also be a conservation of Bencher time in that the 20 person Committee could produce five individuals who are interested enough in C.L.E. to devote time to its day to day concerns, another five could be found to devote their time to Bar Admission and a sufficient balance remains to assure a fair overview by the Committee as a whole. Budgets could be created for each sub-committee and within those budget limits each would be free to carry on its activities without reference to the full Committee except on policy issues.

The Legal Education Committee could recommend either of these alternatives and in the event that Alternative I is chosen, Convocation should be asked to approve the creation of a new Standing Committee to be called the Continuing Legal Education Committee with powers and duties coincident with those of the Law Society as related to C.L.E. If the second alternative is chosen, no action by Convocation is necessary.

The Committee recommended that a standing committee on Continuing Legal Education be formed separate from the Legal Education Committee, and with a separate budget, to be called the Continuing Legal Education Committee with powers and duties coincident with those of the Law Society as related to Continuing Legal Education.

See motion, p. 83.

ADMINISTRATION

LAW SOCIETY – LONDON PREMISES

The Law Society received from London Towers a firm proposal for the lease by London Towers to the Society of premises in the building complex known as London Towers, the municipal address whereof is 379 Dundas Street, London, Ontario. The terms of this proposal are contained in a letter dated February 4th, 1982 received by the Chairman from Messrs. Jeffery & Jeffery of London. The said letter was before the Committee for consideration and for approval and acceptance of the said lease.

Approved, subject to clarification of the increase in rent applicable to the second five year period and to the approval of the Finance Committee.

BAR ADMISSION COURSE APPLICATION FORM

The Director of the Bar Admission Course asked the Committee to approve adding to the form of application for admission, questions to elicit information respecting the applicant's law school educational background.

Approved

FACULTY APPOINTMENTS

Toronto, Ottawa and London as indicated

It was recommended that the following appointments be made for the teaching term which commenced September 2, 1981:

(a) Criminal Procedure Section

To continue as Head of Section, R.J. Carter, Q.C.

Group Instructors (Osgoode Hall): L.M. Budzinsky, J.F. Casey, Michael Dambrot, D.H. Doherty, F.X. Fay, D.C. Hunt, G.P. Johnstone, G.S. Lapkin, H.J. Levy, A.M. Mandell, F.N.S. Marrocco, M.J. Moldaver, H.F. Morton, D.F. O'Connor, W.J. Parker, Marc Rosenberg, E.F.C. Then, W.M. Trudell, J.D. Watt, B.J. Wein, P.H. Wilkie.

Stand-by Instructors: L.T. Feldman, Alexander Fiszauf, A.D. Gold, W.J. Parker.

To continue as Senior Instructor, Ottawa, W.D. Chilcott, Q.C.

Group Instructors: J.C. Barnabe, D.B. Bayne, Arnold Fradkin, R.E. Houston, Donald Macdougall, L.M. Shore.

Stand-by Instructors: John Cassels, J.A. Cogan, P.H. Coulson, P.F.D. McCann, C.D. McKinnon, M.J. Neville.

To continue as Senior Instructor, London, Edward Richmond, Q.C.

Group Instructors: B.R. Farmer, A.H. Little, W.R. Monteith, J.M. Neilson, Norman Peel.

Stand-by Instructors: D.G. Arntfield, J.J. Eberhard, M.E. Martin, E.J. McGrath.

(b) Estate Planning and Administration Section

To continue as Head of Section, J.A. Brulé, Q.C.

Group Instructors (Osgoode Hall); H.J. Alpert, A.E.P. Armstrong, F.A.A. Baker, K.C. Bales, Paul Baston, B.L. Croll, J.D. DeSipio, L.G. Dollinger, Maxwell Gotlieb, G.L. Hill, R.E. Jarman, Martin Maierovits, S.A. Parker, S.W. Piper, P.J. Roche, M.M.K. Whittaker.

Stand-by Instructors: Richard Fitzsimmons, M.C. Morgan, P.B. Shone, J.B. Stratton.

(i) Estate Planning Portion:

To continue as Senior Instructor, Ottawa, R.G. Gravelle, Esq.

Group Instructors: Jennifer Ward, P.J. Davidson, Eileen Savoia, Elisabeth Slasor, P.T. McEnery, J.N. McFarland.

(ii) Administration of Estates Portion:

To continue as Senior Instructor, Ottawa, J.C. Clarke, Q.C.

Group Instructors: R.W. Cleary, Marc Landry, P.T. McEnery, J.W. Thomas, D.C. Thompson, A.R. Winship.

Stand-by Instructor: H.T. McGovern.

To continue as Senior Instructor, London, R.I. Morrison, Esq.

Group Instructors: H.W. Cohen, L.D. Fowler, D.J. McNamara, M.M. Pellarin, A.C. Wright.

Stand-by Instructors: J.R. Cowan, R.T. Furlonger, W.A. Petrie.

Approved

SPECIAL PETITIONS

The Committee considered five special petitions. One petitioner was a mature student who qualified for the LL.B. degree after 14 years' experience as a law clerk with a Toronto law firm, had worked for the same law firm each summer during the four years since entering law school and entered into service under articles with a member of that law firm commencing December 31st, 1981. He asked that service under articles from that date until August 31st, 1982, be accepted in full of the articling requirement of the Bar Admission Course. The Committee approved this petition.

A second petitioner received the LL.B. degree in 1973 and since that time, with the exception of one brief period, he has been employed by the Federal Government. Since 1976 he has been engaged in work directly or indirectly related to the interpretation of federal legislation. He asked permission to enter the Bar Admission Course, commence service under articles in 1982 and complete the teaching term in 1984, notwithstanding that he graduated from law school in 1973. The Committee approved this petition.

A third petitioner was called to the Bar of Quebec in 1976 and practised in that province since that time. He had subsequently obtained an LL.B. degree, was admitted to the Bar of Alberta after successfullly completing that province's statutes and procedures examinations, and had experience in lecturing and criminal practice. The petitioner submitted that because of serious surgery which he had undergone a year ago, preparation for transfer examinations in Ontario would be far too stressful on his general health and requested permission to enter the teaching term of the Bar Admission Course in September 1982 and asked that he be exempted from the requirement of service under articles, or that any decision as to whether or not articles will be required be postponed until results of his examinations are reviewed by the Committee, or that he be allowed to serve a reduced period of time under articles, and that in the event he is unable to complete the Bar Admission Course by May 1983, the five-year limitation period be extended. The Committee recommended that he be advised that he may enter the teaching term of the Bar Admission Course upon completion of six months' articling providing experience in the general practice of law.

A fourth petitioner obtained the LL.B. degree in 1979 and with the intention of becoming a member of the Saskatchewan Bar, he served under articles as a student-at-law in Saskatchewan with a Judge of the Supreme Court of Canada from September 1st, 1979 to August 31st, 1980. He then served as a Parliamentary Intern in the House of Commons, Ottawa until June 30th, 1981 and for the next two months worked for a member of Parliament in Ottawa. In September 1981 he entered a Master of Laws programme at Harvard Law School and expects to receive his LL.M. degree in June 1982. He wishes to return to Ottawa and to become a member of the Ontario Bar. He requested that the eighteen-month limitation period under the Regulation be modified to permit him to enter the teaching term of the Bar Admission Course in September 1982 and that his one year of service as a law clerk to a Judge of the Supreme Court of Canada be accepted in full of the articling requirement or, in the alternative, that such service combined with service under articles of clerkship with a member of the Ontario Bar for the three-month period of June, July and August, 1982, be accepted in full of the articling requirement. The Committee recommended that the petition including the second alternative be allowed.

The last petitioner was called to the Bar of England in 1965 and to the Bar of Sabah, Malaysia, in 1970. For three years he was engaged in government service in Malaysia and from 1970 to 1979 he was engaged in private practice there. In 1981 he was advised by the Joint Committee on Foreign Accreditation he would be entitled to receive a Certificate of Qualification upon the successful completion of a full year of credits at a Canadian law school. He will complete that year of study in the spring of 1982 and has been advised by the law school that upon successful completion of the programme, he will be awarded the LL.B. degree. He asked that upon receiving the degree he be permitted to enter the Bar Admission Course and that in view of his legal experience the Course be modified to permit him to commence service under articles from May to September 1982, attend the teaching term commencing September 1982, continue service under articles from March to May 1983, and be called to the Bar in May or June, 1983. The Committee denied the petition.

INFORMATION

BAR ADMISSION COURSE SUBMISSION TO THE ONTARIO COUNCIL ON UNIVERSITY AFFAIRS

On January 12th, 1982 the Law Society made its annual submission to the Ontario Council on University Affairs by way of application for a grant-in-aid for the Bar Admission Course for the course year 1982-83. A copy of the submission was noted by the Committee.

BAR ADMISSION COURSE AND CONTINUING LEGAL EDUCATION

The Committee considered financial statements for the Bar Admission Course and Continuing Legal Education for the period from 1st July, 1981 to 31st January, 1982; and reviewed the summary of the Continuing Education programmes held in January 1982.

THE REPORT WAS ADOPTED

....

MOTION: HONORARY DEGREES

It was moved, seconded and *carried* that the degree of Doctor of Laws, honoris causa, be conferred upon each of the following at the Call to the Bar Ceremonies to be held on the following dates and in the following places:

(i) The Right Honourable The Lord Elwyn-Jones
on 6th April, 1982 in Toronto

(ii) The Right Honourable Sir Robert E. Megarry
on 7th April, 1982 in Toronto

....

MOTION TO AMEND THE RULES (CONTINUING LEGAL EDUCATION)

It was moved, seconded and *carried* that the Rules made under The Law Society Act be amended to permit the formation of a standing committee on Continuing Legal Education, separate from the Legal Education Committee, in accordance with the recommendation contained in the Report of the Legal Education Committee.

. . . .

LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. B. Shaffer, Vice-Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Wednesday, February 10th, 1982.

The following members were present: Messrs. Farquharson (Chairman), Crane, Lerner, Pepper, Mrs. Tait and Mr. Yachetti. The following attended by invitation: Messrs. Bennett (Under Treasurer), Howell (Chief Librarian), Professor G. Fridman and Mr. J. Michaud.

ADMINISTRATION

ONTARIO REPORTS

The Committee discussed various suggestions which might improve the Ontario Reports. The Committee recommended that the following changes be made by the Editorial Board of the Ontario Reports:

1. Letters or numbers be listed down the side of each page of the Ontario Reports for reference to the line on a page when cases are cited;
2. The word HELD in the headnote be in bold block letters so as to stand out;
3. Discussions be held with the Judge's Library Committee concerning the possibility of abridging certain reasons for judgment (although this would be done rarely) by the editors which would permit the reporting of more cases than at present.

THE REPORT WAS ADOPTED

. . . .

Mr. Shaffer presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, February 11th, 1982.

The following members were present: Messrs. Farquharson (Chairman), Shaffer (Vice-Chairman), Crane, Lerner, Mills and Mrs. Tait. Messrs. Bennett (Under Treasurer), Burnett (Director, Finance) and Howell (Chief Librarian) were also present.

ADMINISTRATION

ONTARIO REPORTS – COMPETITIVE BIDS

The Secretary reported that tenders for publishing the Ontario Reports for the period July 1st to December 31st, 1982 were received from Butterworths, Canada Law Book Limited and Carswell Legal Publications. The Committee recommended that the Society accept the tender of Butterworths.

INFORMATION

PHOTOCOPIERS FOR COUNTY AND DISTRICT LAW LIBRARIES

A letter was received from the Attorney General addressed to the Treasurer in response to the Society's application for payment of photocopiers for the 47 county and district law libraries in Ontario. The Committee recommended that this matter be referred to Mr. Crane and that a meeting be arranged with the Attorney General in order to make further submissions concerning the Society's application.

REPORTING

ONTARIO REPORTS – COPYRIGHT

The Secretary reported that Mr. James Dube was retained as counsel for the Law Society to give a legal opinion concerning the Society's legal position and his recommendation as to what action, if any, the Society should take in the matter. After reading the legal opinion of Mr. Dube and discussing it, the Committee recommended that the draft letter attached to Mr. Dube's letter should be sent to The Law Library Microform Consortium.

REPORTING
ONTARIO REPORTS – CANADA LAW BOOK LIMITED
BUTTERWORTHS – DATA BASE

The Secretary reported that as a result of the recommendation of the Committee of December 11th, 1982, Mr. James Dube, counsel for the Law Society was consulted as to negotiations with the above companies concerning what terms and compensation these companies are willing to give to the Society in return for its consent to place the Ontario Reports in the Data Bases of the companies. The Committee recommended that the Society should retain Mr. Dube to draft letters to be sent to Butterworths and Canada Law Book Limited asking each company what compensation it is prepared to pay the Society and what terms could be included in agreements with the Society.

GIFT AND DONATION

The following gift and donation has been received by the Great Library:

Eileen Mitchell Thomas, Q.C.	Bourinot's Parliamentary Procedure 4th ed. Davidson's Concise Precedents in Conveyancing 8th ed.

BOOK LIST

A list of 34 new acquisitions by the Great Library was approved by the Committee.

ONTARIO REPORTS
PROVINCIAL COURT JUDGES

The Secretary reported that it was the Society's practice to supply Judges of the Supreme Court and the County Court with copies of the Ontario Reports without charge. Provincial Court Judges have not been supplied with Ontario Reports. The Committee recommended that this be discussed at a meeting in the future after further information is obtained.

THE REPORT WAS ADOPTED

. . . .

LEGAL AID COMMITTEE–Mr. Chadwick

Mr. L. K. Ferrier presented the Report of the Legal Aid Committee of its meeting on Wednesday, 10th February, 1982.

The following members were present: James B. Chadwick, Chairman, Messrs. Barnes, DeLorey, Ellis, Mrs. Fleming, Messrs. Jones, Lamb, Noble, Ogilvie, Russell, Mesdames Smyth and Tait, Messrs. Wallace and Yachetti.

The following observer members were also present: Robert Holden, solicitor, and Paul Copeland, solicitor, for the Criminal Lawyers Association, and Victor Paisley, solicitor, for the Advocates' Society.

POLICY

REPORT OF THE SUBCOMMITTEE RE PROPOSED AMENDMENTS TO REGULATIONS AND FORMS

The Legal Aid Committee returned to the Sub-Committee re Proposed Amendments to Regulations and Forms, under the chairmanship of Mr. Robert E. Barnes, the following regulations for reconsideration:

Former Section 28 – New Section 29
Former Section 39 – New Section 40
Former Section 46 – New Section 47
Former Section 58 – New Section 59

The existing sections and the amended sections were before Convocation.

The Legal Aid Committee recommended to Convocation that the amendments to the regulations be approved.

STEERING COMMITTEE

The Legal Aid Committee approved the Report of the

Steering Committee under the chairmanship of Mr. George E. Wallace. The relevant portions of the Report are as follows:

> 1. DIVORCE
>
> Over the past months the Steering Committee has reviewed material with respect to divorce actions. The Committee was of the unanimous opinion that immediate steps be taken to reduce the cost of such actions under the Legal Aid Plan. After discussion with the Legal Accounts Officer the Steering Committee requested the Director to write the Area Directors to the effect that:
>
> > Area Directors be advised that it is within their jurisdiction that when both sides are legally aided the Area Director should consider whether or not an opinion should be sought after pretrial.
>
> 2. LEGAL AID'S INVOLVEMENT IN LAW REFORM AND LEGISLATIVE AMENDMENT
>
> The Legal Aid Committee requested the Steering Committee to examine the question of the Legal Aid Committee's involvement in Law Reform and Legislative Amendment. After careful review your Committee recommends:
>
> > That the Steering Committee perceives that a legitimate function of the Legal Aid Committee is to recommend legislation that has the effect of increasing the efficiency of the delivery of legal services through the Plan or reducing the cost of delivery, without in any way limiting the discretion of the Committee to make recommendations for legislation in any field in appropriate circumstances.

ADMINISTRATION

DEPARTMENT OF NATIONAL REVENUE THIRD PARTY DEMANDS

At its meeting in January, 1982, the Legal Aid Committee reviewed correspondence from the Department of National Revenue with respect to Third Party Demands. The Plan receives such notices if a lawyer is on a legal aid panel. The Committee requested:

> That the Director ascertain what steps are taken by OHIP with respect to supplying information on doctors' accounts to the Department of National Revenue and a written opinion to be obtained from Arthur Scace, Q.C., as to whether the proposal set out in the said Department's correspondence must be complied with.

The Committee reviewed the written opinion from Mr. Scace, and requested the Plan's administrators to provide the information requested by the Department of National Revenue in accordance with Mr. Scace's advice.

Convocation had before it copies of the correspondence from the Department of National Revenue, a memorandum from the Controller and Mr. Scace's opinion of 3rd February, 1982.

INFORMATION

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the nine month period ended December 31, 1981, shows that payments from the Legal Aid Fund exceeded budget by $511,000 as follows:

	$	$
Over budget		
Duty Counsel payments	38,000	
Civil certificate accounts	728,000	
Area Office costs	164,000	
Provincial Office costs	224,000	1,154,000
Under budget		
Criminal certificate accounts	213,000	
Legal Advice accounts	7,000	
Salaried Duty Counsel Programme	76,000	
Community Clinic funding	72,000	
Research Facility	155,000	
Special Projects	120,000	643,000
		511,000

Income from sources other than the Province of Ontario exceeded budget by $3,319,000 as follows:

Law Foundation	2,600,000	
Client contributions	353,000	
Costs recovered	129,000	
Miscellaneous	237,000	3,319,000

At December 31, 1981, there was a balance in the fund of $2,521,000.

Statistics

The following table compares reported activity for the first nine months of this fiscal year with the activity for the same period in the previous fiscal year.

	9 Months ended		*% Change*
	Dec. 31, 1981	*Dec. 31, 1980*	*from last year*
Summary Legal Advice	33,633	31,139	+ 8.0
Referrals to other agencies	49,287	51,011	– 3.4
Applications for certificates	81,697	83,313	– 1.9
Refusals	25,363	30,722	– 17.4
As a percentage of applications	31.1	36.9	
Certificates issued	59,165	59,002	+ 0.3
Persons assisted by Duty Counsel:			
Fee for service	132,836	121,533	
Salaried Duty Counsel	38,416	47,428	
Total	171,252	168,961	+ 1.3

Proposed Budget 1982/83

The Legal Aid Committee reviewed in depth a Report prepared by the Deputy Director of the Ontario Legal Aid Plan. The Committee recommended that the Chairman write to the Attorney General emphasizing that the proposed Budget as submitted does not take into account any increase in the proposed Tariff. The Committee approved the Budget which was before Convocation.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	December 1981	*9 Months to Dec. 31/81*	*9 Months to Dec. 31/80*
Reviews on hand	941		
Reviews received	121	1173	1229
	1062		
Settlements reviewed in	111	1038	1440
Settlements awaiting review	951		
	1062		

Appeals

	October	November	December
Appeals to Taxing Officer received during	1	–	–
Appeals heard by Taxing Officer	4	–	–
Appeals pending at the end of the month	1	1	1

Activity

	1981/82 Fiscal Year		*1980/81 Fiscal Year*	
	Month of Dec. 1981	*9 Months to Dec. 1981*	*Month of Dec. 1980*	*9 Months to Dec. 1980*
Accounts on hand at beginning	7528	12524	14339	12454
Accounts received	5705	50718	5443	50045
Total accounts to be processed	13233	63242	19782	62499
Less: Files cancelled	26	329	33	300
Accounts processed	5036	54742	5829	48279
Balance	*8171	8171	13920	13920
In addition to the number of accounts for services completed there were:				
Interim Accounts	451	3975	416	3275
Supplementary Accounts	374	3178	274	2690
Total	825	7153	690	5965

*Of this number 450 Accounts have been examined, letters have been sent to solicitors and further information is awaited.

Accounts distributed for examination on Jan. 4, 1982 were received on the following dates:

Criminal	New Tariff	Dec. 18, 1981	Civil	New Tariff	Dec. 1, 1981

BURNABY PROJECT – PUBLIC DEFENDER

During 1979/80 an experimental public defender's office was established in Burnaby, British Columbia. The project was financed by the Federal Department of Justice in Ottawa. A summary of the Report dated December, 1981 was before Convocation. A brief on the Burnaby Project will be prepared for the Legal Aid Committee and will subsequently be submitted to Convocation.

MEETING WITH THE ATTORNEY GENERAL

On Tuesday, February 9, 1982, the Chairman met with the Attorney General. Copies of Mr. McMurtry's letter of February 4, 1982, wherein he indicates his concerns were before Convocation.

AREA COMMITTEES

(a) **APPOINTMENTS**

Wellington County

Morris Twist, Esq.

(b) **RESIGNATIONS**

Wellington County	Niagara South
Mr. William Nicholls	Pamela V. Walker

THE REPORT WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Messrs. Ground (Chairman), Bynoe and Wardlaw (Vice-Chairmen), Lamont, Lerner, McWilliams, Ruby, Strauss, Mrs. Sutherland and Mr. Tobias.

POLICY

PROPOSED REVISION OF PARAGRAPH 8 OF THE COMMENTARY UNDER RULE 5

The Committee has had occasion to review the adequacy of the present paragraph in view of the comments made by a member of the profession who took the position that sub-paragraph 8(c)(iii) was unduly onerous on the certifying lawyer in that it requires him to give business or investment advice. The Committee has discussed the matter at two meetings and proposed that paragraph 8 be revised. It presently reads:

> 8. (a) If the client elects to retain independent legal representation, the lawyer so retained shall act in all respects as though he were the client's own lawyer in connection with the transaction in question.
>
> (b) If the client elects to waive independent legal representation but rely on independent advice only, the giving of independent advice by a lawyer to an investor in the above circumstances, once undertaken, imposes a high duty on the lawyer giving such independent advice and is an undertaking not to be lightly assumed or merely perfunctorily discharged.
>
> (c) The lawyer giving such independent advice must, prior to any advance being made on the investment in question, provide the client with a signed certificate in writing (with a copy thereof signed by the client to the original lawyer) which must include at least the following:
>
> (i) that the certifying lawyer has explained to the client his right to independent legal representation and that the client has expressly waived such right and elected to rely on the representation of the original lawyer;
>
> (ii) that he has explained the transaction to the client, that the client understands the transaction and is satisfied to proceed on the basis outlined in sub-paragraph (i) supra; and
>
> (iii) that the transaction appears to the certifying lawyer to be fair and reasonable from the point of view of the client.

The revision will provide that:

> 8. (a) If the client elects to retain independent legal representation, the lawyer so retained shall act in all respects as though he were the client's own lawyer in connection with the transaction in question.
>
> (b) The lawyer giving such independent advice must, prior to any advance being made on the investment in question, provide the client with a signed certificate in writing (with a copy thereof signed by the client to the original lawyer) which must include at least the following:
>
> (i) that the certifying lawyer has explained to the client his right to independent legal representation and that the client has expressly waived such right and elected to rely on the representation of the original lawyer;
>
> (ii) that the certifying lawyer has explained the legal aspects of the transaction to the client, the client appeared to understand the advice given, and further has informed the client of the availability of qualified advisors in other fields who would be in a position to

give an opinion to the client as to the desirability or otherwise of the proposed investment from a business point of view.

(c) If the client elects to waive independent legal representation but rely on independent advice only, the giving of independent advice by a lawyer to an investor in the above circumstances, once undertaken, imposes a high duty on the lawyer giving such independent advice and is an undertaking not to be lightly assumed or merely perfunctorily discharged."

The Committee recommended to Convocation that paragraph 8 be amended as above.

ADMINISTRATION

PREFERRED AREAS OF PRACTICE PROGRAMME

At the December Convocation there was a revision of the programme of the Preferred Areas of Practice. The Committee considered this revision in order to determine whether a revision to paragraphs 6, 14(a) and 14(b) of the Commentary to Rule 13 of the Rules of Professional Conduct was necessary. The Committee concluded that no revision was needed.

LEGAL AID CLINICS REQUEST FOR AN EXEMPTION FROM RULE 13

The Committee considered a request from the Clinic Funding Committee that all Legal Aid Clinics in the Province be exempted from the restrictions on advertising contained in the Commentary to Rule 13 in order that the clinics' work can be more easily facilitated.

The Committee recommended that Convocation grant from such restrictions an exemption, which exemption will be identical to that given to Parkdale Community Legal Services ten years ago, on the understanding that the advertising will be in good taste and accurate. It is understood that the advertising will encompass signs, informational bulletins, newspaper advertisements and other means used to convey information about the clinics.

PROPER DISBURSEMENTS AND THE ADEQUACY OF RULE 10.1

The Committee discussed further the subject of items properly billable as disbursements. The item in the January

Communiqué has resulted in numerous enquiries being directed to the Society and to individual Benchers.

The Committee recommended to Convocation that an item be placed in the next Communiqué clarifying the proposed rule change and advising members of the profession that they should comply with the proposed rule change which has been approved in principle. It must be made clear that when a solicitor quotes a fee for a real estate transaction or bills a fee for such a transaction, the fee quoted or billed must be a single amount which shall include fees for services performed by the lawyer or anyone else, including freelance title searchers or conveyancers, and that fees payable by the lawyer for services performed by others cannot be billed as a disbursement. The lawyer may, however, indicate in his quotation or bill that part of the fee amount represents fees he will pay or has paid for services performed by other persons.

This rule is not applicable to fees paid by a lawyer to a lawyer in another community to perform certain services in connection with a transaction.

THE REPORT WAS ADOPTED

....

COMPENSATION FUND COMMITTEE–Mr. Ogilvie

Mr. N. Ogilvie, Chairman, presented the Report of the Compensation Fund Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Messrs. Ogilvie (Chairman), Scace (Vice-Chairman), Bynoe, Chilcott, Finlayson and Noble. Messrs. C. E. Bennett (Under Treasurer), John Beaufoy, S.E. Sherriff and Mrs. H. Werry were also present.

POLICY

1. It was moved, seconded and carried that Mr. A. R. A. Scace be appointed Vice-Chairman of the Committee.

2. The Committee heard a presentation from Mr. Sherriff concerning the expediting of Compensation Fund hearings. The Committee recommended that Mr. Sherriff's letter of February 8th, 1982 be referred to counsel for the Law Society for a legal opinion as to whether the Society has the power to make a finding of dishonesty before a hearing by the Discipline Committee and Convocation. The Committee also recommended that counsel investigate a procedure whereby if hearings of Compensation Fund claims are made prior to the disposition of the Discipline matter by Convocation, no reference be made in the Referee's Report to the name of the solicitor against whom the claim is being made.

3. The Committee considered a suggestion that the limit of claims which can be recommended for approval by the Assistant Secretary in charge of Compensation Fund be increased from $1,000 to $4,999 or less. The Committee recommended that the Assistant Secretary in charge of Compensation Fund should be able to recommend claims be approved by a Referee where the amount is $4,999 or less. If the Referee refuses to allow a claim approved by the Assistant Secretary in charge of Compensation Fund, then the claimant should be entitled to a hearing before another Referee.

ADMINISTRATION

1. Five accounts of Referees and counsel were approved.

2. Four Referee's Reports were approved.

INFORMATION

1. The Secretary presented a revised memorandum re the items included in Referees accounts, which indicates that the time spent before the hearing and the time spent writing the report is charged at $400 per day or the equivalent for a part day.

2. The Compensation Fund Summaries for the periods ending November 30th, 1981, December 31st, 1981 and January 31st, 1982 were considered by the Committee and approved.

The following is the summary for the period ended January 31st, 1982:

COMPENSATION FUND

For the Period from 1st July, 1982 to 31st January, 1982

(7 months)

TOTAL RECEIPTS	$1,503,807.46
TOTAL DISBURSEMENTS	$ 186,283.65
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$1,317,523.81
BALANCE OF FUND at beginning of period	$2,232,468.09
BALANCE OF FUND at end of period	$3,549,991.90
CLAIMS RECEIVED and in the course of being processed at end of period	$17,565,430.50

THE REPORT WAS ADOPTED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. P. K. E. McWilliams presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 11th February, 1982.

The following members were present: Messrs. Chilcott (Chairman), McWilliams, Mills, Shaffer and Strauss. By invitation Mr. Beaufoy was present.

INFORMATION

The Committee considered three letters of complaint. The circumstances described were routine in nature and the Committee gave appropriate instructions to the Secretary.

The Committee gave consideration to a complaint concerning legal advice given by a columnist of a newspaper and recommended that the matter be referred to the Public Information Committee.

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE TO CONSIDER THE RECENT AMENDMENTS TO THE INCOME TAX ACT RESPECTING "WORK IN PROGRESS" IN LAWYERS' OFFICES

Mr. A. R. A. Scace, Chairman, presented the following information with respect to Budget Resolution 27 concerning work in progress in professional firms with a request that the import thereof be included in the Communiqué.

> ### WORK IN PROGRESS
>
> Budget Resolution 27 proposed that for fiscal periods ending after 1981, the work in progress of professional firms at the end of the period be included in computing income for that period. This proposal is to be phased in over a two-year period. As a result, it will not affect fiscal periods ending on or before December 31, 1982 and for the 1983 fiscal period only one-half of the year-end work in progress will be required to be included in professional income. The effect of the budget rule is that, after this transition, costs of work in progress will not be tax-deductible until revenue from the work is included in income.
>
> There has been some uncertainty concerning the valuation of work in progress for professionals. The cost of work in progress will not include fixed or indirect overheads, such as rental, secretarial and general office expenses. It will generally be restricted to those costs, such as the salaries paid to professional employees, that are expected to be recovered in future billings. No cost is required to be imputed to partners' or proprietors' time.

Convocation approved.

....

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mrs. R. Sutherland presented the Report of the Special Committee on J. Shirley Denison Bequest for its meeting on Thursday, 8th January, 1982, which was not reached at the Regular January Convocation.

The following members were present: Messrs. Pepper (Chairman), Cass and Mrs. Sutherland.

ADMINISTRATION

REQUEST FOR FUNDS

A member attended at the Secretary's Office and requested financial assistance from the Fund. He had received $3,000 from the Fund from August 1978 until June 1980.

The Committee recommended that he receive a grant of $500 and that he should be told that he would not be given any further assistance from the J. Shirley Denison Bequest Fund.

THE REPORT WAS ADOPTED

……

Mrs. Sutherland presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 11th February, 1982.

The following members were present: Messrs. Pepper (Chairman), Carthy and Doran.

ADMINISTRATION

REQUEST FOR FUNDS

A letter from the wife of a former member was before the Committee. She requested financial assistance from the Fund in the amount of $1,000. A statement of her income and expenses was also before the Committee.

The Committee recommended that she receive a grant of $500 now and a further grant of $500 next December 15th.

THE REPORT WAS ADOPTED

……

SPECIAL COMMITTEE ON IMMIGRATION CONSULTANTS (IMMIGRATION ACT)

Mrs. R. Sutherland presented the Report of the Special Committee on Immigration Consultants, dated 11th February, 1982.

Convocation directed that the Report stand.

....

CONVOCATION ROSE AT 5:00 P.M.

....

Confirmed in Convocation 23rd April, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 19th March, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Arthurs, Barr, Carthy, Cass, Chadwick, Cooper, Doran, Farquharson, Ferrier, Furlong, Genest, Goodman, Ground, Henderson, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, Mills, Outerbridge, Pepper, Ruby, Scace, Mesdames Sutherland and Tait, Messrs. Tobias, Wardlaw and Yachetti.

....

MINUTES

The Minutes of Special Convocation of 6th February, 1982 were confirmed.

....

OSCAR FONSECA

The Treasurer expressed on behalf of Convocation and the profession their shock at the tragic death of Oscar Fonseca, a member of the Society, who was fatally shot while carrying out his professional duties in Court in Osgoode Hall, and their sympathy for Mr. Fonseca's family.

....

NON–JURY TRIALS IN OSGOODE HALL

The Treasurer referred to a letter, dated 2nd March, 1982 which he had received from The Honourable W. G. C. Howland, Chief Justice of Ontario, requesting the Society's permission for two court rooms to be used for trial purposes for the period from 7th September to 15th November, 1982.

It was moved, seconded and *carried* that permission be granted.

....

MOTION: HONORARY DEGREE

It was moved, seconded and *carried* that the degree of Doctor of Laws, honoris causa, be conferred upon Gordon F. Henderson, Q.C., at the Call to the Bar Ceremony to be held in Ottawa on 14th April, 1982.

Mr. Henderson expressed his sincere appreciation to Convocation.

. . . .

APPOINTMENT OF STANDING COMMITTEES

It was moved, seconded and *carried* that the *Legal Education Committee* be composed of the following:

> Messrs. Carthy (Chairman), Lerner (Vice-Chairman), Arthurs, Brulé, Crane, Doran, Ferrier, Ground, Henderson, Lamont, Outerbridge, Scace, Mrs. Tait and Mr. Thom;

and that the *Continuing Legal Education Committee* be composed of the following:

> Messrs. Ferrier (Chairman), Outerbridge (Vice-Chairman), Barr, Carthy, Crane, Goodman, Lerner, Noble, Shibley, Mrs. Tait, Messrs. Wardlaw and Willoughby.

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Mrs. Laura L. Legge (Chairman), Messrs. Carthy, Cooper, Ferrier, Lamont, Pepper and Mrs. Sutherland.

ADMINISTRATION

OCCASIONAL APPEARANCE

Helene LeBel of the province of Quebec applied to proceed under section 6 of the Regulation "Occasional appearances in Ontario of lawyers from other provinces" in the matter of the *Essex County Roman Catholic Separate School Board* and *Denise Tremblay-Webster.* Miss LeBel complied with the requirements of the said section, presented a Certificate of Good Standing and asked to receive her call to the Bar of Ontario at the March Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meetings on 8th January and 11th March, 1982, the Committee recommended that the following be allowed to proceed under section 6 of the Regulation respecting "Occasional appearances in Ontario of lawyers from other provinces", and that upon giving the necessary undertakings they be called to the Bar of Ontario and admitted as solicitors:

Terry Alvin Gutkin	Province of Manitoba
Helene LeBel	Province of Quebec

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

Eleven further candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 24th Bar Admission Course.

Approved

DIRECT TRANSFER

The Committee considered and approved an application for direct transfer to practice in Ontario by a member of the British Columbia Bar who sought to proceed under Regulation 4(1).

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved an application for direct transfer to practice in Ontario by a member of the Quebec Bar who sought to proceed under Regulation 4(2).

FULL–TIME MEMBER OF THE FACULTY OF AN APPROVED LAW SCHOOL

The following member of an approved law faculty asked to be called to the Bar and to be admitted as a solicitor without examination under Regulation 5 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. A letter confirming the eligibility of the applicant was received from the Dean of the relevant law school.

Terence George Ison Osgoode Hall Law School of York University	LL.B. University of London 1957 (Hons.) LL.M. Harvard University 1959 LL.D. University of London 1981 Called to the Bar at the Middle Temple 1958 Called to the Bar of the province of British Columbia 1961

Approved

COMMON LAW EXAMINATION

One candidate who was approved by the Committee to proceed under Regulation 4(2) sat the examination. The candidate was identified only by number and the report of the examiners was before the Committee.

The candidate passed.

Approved

PETITION

A petitioner who expects to complete successfully the 23rd Bar Admission Course in February, 1982, and who has been awarded a Rotary Foundation Education Award to study abroad in 1982, was accepted for admission to the diploma programme in international law at the Australian National University in Canberra, Australia which starts on 1st March, 1982, and continues until December 1982. The petitioner asked that his call to the Bar be deferred until early 1983.

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Terry Alvin Gutkin
Helene LeBel

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

Re: NORMAN AARON MINTZER, Toronto

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

Messrs. Arthurs, Cass, Cooper, Goodman, Henderson and Ruby withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended, unrepresented. Mr. Frank N. Marrocco represented the Society.

The solicitor asked that the matter be adjourned until his application for judicial review had been disposed of.

Mr. Marrocco made submissions opposing the request for an adjournment.

The solicitor made submissions in reply.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the application for an adjournment be denied and that the matter proceed.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that had been carried.

The solicitor made submissions respecting the Report of the Discipline Committee dated 15th January, 1982, and waived the reading of it.

The Report found that the solicitor was guilty of conduct unbecoming a barrister and solicitor. He had pleaded guilty and was convicted in Criminal Court of fraud involving over

$900,000 and sentenced to a term of imprisonment of two years less one day.

Mr. Marrocco made submissions respecting the objections to the Report set out in the Notice of Objection filed by the solicitor.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 15th January, 1982, be adopted.

Convocation had before it the Recommendation as to Penalty of the Discipline Committee, dated 15th January, 1982, that Convocation by Order disbar the solicitor as a barrister and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion which had been passed and that the recommended penalty of disbarment was before Convocation.

The solicitor made no submissions respecting penalty.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order disbar Norman Aaron Mintzer as a barrister and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of Convocation's disposition of the matter.

The solicitor and counsel retired.

....

Re: JOHN ERROL FARR, Orillia

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend, nor did his counsel, Mr. Tracy C. Warne, attend on his behalf. Mr. Stephen E. Sherriff represented the Society.

Convocation had before it the Recommendation of the Discipline Committee, the Recommendation as to Penalty of the Discipline Committee and Notice of Time and Place of Hearing, all dated 11th March, 1982 and each bearing admission of service dated 12th March, 1982, by Mr. Warne on behalf of the solicitor.

Mr. Sherriff read a letter, dated 16th March, 1982, from Mr. Warne advising that the solicitor had no objection to the Report of the Discipline Committee nor to the date of the hearing before Convocation, that the solicitor would not attend before Convocation and that counsel need not attend on his behalf.

The Report found that the solicitor was guilty of professional misconduct. He had misappropriated over $250,000 of trust monies.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 11th March, 1982, be adopted.

The Recommendation as to Penalty of the Discipline Committee was that the solicitor be disbarred.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

. . . .

Re: ERIC HARVEY PALMER, Hamilton

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. James E. Dodson. Mr. Michael L. Lamont appeared for the Society.

Convocation had before it the Report of the Discipline Committee, dated 11th March, 1982, together with an Affidavit of Service, dated 15th March, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail on 12th March, 1982.

Mr. Dodson waived the reading of the Report.

The Report found the solicitor guilty of professional misconduct. He had misapplied about $13,000 of clients' funds (later restored to them) and had failed to report on a real estate transaction and to obtain proper security for mortgage funds advanced in the transaction. The offences took place at a time when the solicitor was under great stress – financially because he was called on to honour a guarantee he had made on behalf of a client, and emotionally because in the same period his son had suffered a very serious industrial accident; these pressures caused the solicitor to drink to excess.

Mr. Lamont made no submissions respecting the Report.

Mr. Dodson made no submissions respecting the Report.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 11th March, 1982, be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, namely, that the solicitor be allowed to resign from the Society on his undertaking to Convocation never to apply for readmission as a member of The Law Society of Upper Canada.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been adopted by Convocation and that the Recommendation as to Penalty was before Convocation.

Neither counsel made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that Convocation by Order allow the solicitor to resign from the Society on his undertaking to Convocation never to apply for readmission as a member of The Law Society of Upper Canada.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved by way of amendment to the first motion and seconded that the solicitor be permitted to apply for readmission after ten years.

It was further moved but not seconded that the first motion be amended to remove the restriction so that an application for readmission could be made at some time in the future.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motions as to penalty which had been made in Convocation and afforded an opportunity to request an adjournment.

Mr. Dodson requested Convocation to proceed and made submissions as to penalty.

Mr. Lamont made no submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

The last motion, not being seconded, was *not put*.

The motion by way of amendment was *lost*.

The motion for disbarment was *lost*.

The motion that the solicitor be allowed to resign on undertaking never to apply for readmission as a member of the Society was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Discipline Committee's recommendation as to penalty had been adopted.

The solicitor, counsel and the reporter retired.

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GENERAL REPORT

Mr. Genest presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Genest (Chairman), Furlong, Ruby and Yachetti (Vice-Chairmen), Cass, Cooper, Mesdames Legge and Sutherland.

POLICY

DEPOSITING SPECIFIC RETAINERS INTO LAWYERS' GENERAL ACCOUNTS

The Committee reconsidered a ruling approved by Convocation in 1975 that held there was nothing improper with a lawyer depositing into his general account a retainer for specific services to be performed in a criminal matter provided he obtained a written direction to that effect from the client. Authority for this proposition was Section 14(5)(a) (formerly 18(5)(a)) of the Regulation which reads as follows:

> "14(5)(a) Money need not be paid into a trust account,
>
> (a) that a client in writing requests a member to withhold from the trust account or to deposit elsewhere."

The Committee recommended that Section 14(5)(a) not be interpreted to allow specific retainers to be deposited into a lawyer's general account and if necessary that all necessary amendments be made to the Regulation to provide that specific retainers must go into the solicitor's trust account when received for services yet to be performed and disbursements yet to be incurred. Further, the Committee recommended that the Communiqué deal with this item and explain the retainer problem.

A Report prepared by Michael A. Hardy on the topic of specific retainers was before the Committee and Convocation.

It was moved in Convocation, seconded and carried that the ruling apply to retainers received on or after 1st January, 1983.

ADMINISTRATION

E. VALORIE SWAIN, Q.C. REQUEST TO BE RELIEVED OF CO–SIGNING ON TRUST ACCOUNT

Mr. Ernest Valorie Swain, Q.C., of Kingston, has asked to be relieved of the co-signing arrangement on his trust bank account, which was imposed by Order of Convocation on January 21st, 1977. At the present moment all cheques drawn on Mr. Swain's trust bank account must be co-signed by a chartered accountant. The Order provided that the arrangement continue "until Convocation withdraws the requirement". Set out below is an excerpt from the Communiqué to the profession reporting on the reasons that Mr. Swain was before Convocation:

> "Ernest Valorie Swain of Kingston was reprimanded in Convocation today, required to have a chartered accountant of the Society's choice co-sign withdrawals from trust, file quarterly financial statements concerning his practice for the next two years and pay the costs of the Society's investigation of approximately $2,500. Though no one suffered any damage he had used about $20,000 belonging to one client without providing the expected security and borrowed $20,000 from another client in contravention of Ruling 14 of the Rules of Professional Conduct."

The Society's Chief Investigation Auditor, Mr. Robert L. Anderson, C.A., had no objection to the lifting of the present co-signing arrangements. He noted that Mr. Swain had complied completely with the requirement to file quarterly statements on his practice for a period of two years.

The Committee recommended that Mr. Swain be relieved of the co-signing controls imposed by the Order of Convocation on January 21, 1977.

THE REPORT AS AMENDED WAS ADOPTED

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APPOINTMENT OF COMMITTEES UNDER SECTION 35 OF THE LAW SOCIETY ACT

Convocation authorized the Secretary to select committees to act under Section 35 to inquire into the capability of two members to practise law.

It was moved, seconded and *carried* that Convocation appoint a Committee or Committees, the members to be designated by the Secretary, to inquire into the capability of these two members to practise law.

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FINANCE COMMITTEE—Mr. Pepper

Mr. P.B.C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Pepper (Chairman), Scace (Vice-Chairman), Chilcott, Farquharson, Lochead, Tebbutt and Wilson.

ADMINISTRATION

MEMBERSHIP IN ABEYANCE

In a letter dated February 11, 1982 to the Treasurer, the Attorney General of Ontario asked that consideration be given to an amendment to Section 31 of The Law Society Act which would permit lawyer members of the Ontario Municipal Board and other tribunals to have their membership put in abeyance.

The Committee recommended that the request to amend Section 31 not be supported.

It was moved in Convocation, seconded and carried that this matter be referred back to the Committee for further consideration.

DISCIPLINE – WORD PROCESSING

The Senior Counsel, Discipline, recommended the installation of Word Processing Equipment for the preparation of complaints and reports handled in the Discipline group. Since there was no provision in the current year's Budget for this equipment, it was suggested that the equipment be leased for a six-month period and that purchase of this equipment be requested in the 1982/83 estimates. The supplier was prepared to rent the equipment for six months with 50% of the rental applied against the purchase of the machinery. For the three months (April, May, June) costs would be:

Rental	$2,181.80	
Software	615.60	$2,797.40

The purchase price of the equipment is $14,212.80. If purchased on 1st July 1982, 50% of the rental paid ($1,090.90) will be applied, thus reducing the amount payable on that date to $13,121.90.

The Committee recommended approval of the purchase of this equipment subject to negotiations respecting the length of the rental.

WEIR ESTATE

The opinion of Mr. Terence Sheard respecting the bequests in the Will of the late Samuel Edward Weir was before the Committee.

The Committee recommended that the bequests not be accepted.

MAINTENANCE EQUIPMENT

The existing snow clearing equipment is 20 years old and in need of major repair, estimated to cost $1,700. It was recommended that a new piece of equipment be acquired which could function as snowblower, snowplow and grass cutter. The cost of this equipment, including Provincial sales tax, is $7,444. Provision was not made in the Budget for this expenditure.

The Committee recommended that approval be given to this expenditure, with equipment to be delivered not sooner than July 1, 1982.

EMPLOYEE PENSION PLAN

The Committee recommended (1) that the Plan be re-written and distributed to employees in booklet form; (2) that a pension benefit information form be produced annually for all members of the Plan; and (3) that an account from Standard Life for actuarial valuations and other services in the amount of $9,550 be approved.

These costs are to be paid out of the Plan surplus arising from the Triennial Valuation. The Committee deferred for further consideration the raising of the present limit on the maximum pension payable under the Plan and a recommendation that an ad hoc increase be made in the pensions payable to existing pensioners.

APPOINTMENT OF SUB–COMMITTEE ON SALARIES

The Committee was asked to appoint a sub-committee to review employees' salaries and benefits and appointed the same sub-committee as last year, namely, Messrs. Brulé, Ogilvie and Scace.

ANNUAL FEES

Mr. *Richard P. Begin* asked that he not be suspended for non-payment of Annual Fees because he is an articling student in British Columbia. His letter, dated February 17, 1982, was received on February 22nd and was therefore too late to avoid his suspension by Convocation on February 26, 1982. The Committee was asked to recommend the procedure to be followed in this case.

The Committee recommended that Mr. Begin be required to pay his Annual Fees.

APPROVAL OF ACCOUNTS

The Committee approved the suggestion that the Assistant Secretary in charge of Compensation Fund approve accounts of Referees, counsel, court reporters, consultants and similar disbursements to be paid out of the Fund, up to a maximum of $4,999, subject to the approval of the Finance Committee.

CHANGES OF NAME

(a) Member

The following member requested that her name be changed on the rolls of the Society and submitted the required documentation:

From	*To*
Helen Patricia King	Helen Patricia King *MacLeod* (Married Name)

(b) Student Members

The following student members requested that their names be changed on the rolls of the Society and have submitted the required documentation in support:

From	*To*
Zdravko Bastasic	Zdravko *Ivan* Bastasic (Baptismal Certificate)
Charissios Doucas	*Lawrence* Charissios *Ducas* (Court Order)
Janis Margaret Rose	Janis Margaret *Takach* (Married Name)
Helga Marguerite Jeanette Patricia de Pauw	Helga Patricia De Pauw (as she was called to the Bar in Quebec)

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following member was eligible to become a Life Member of the Society effective 17th March 1982:

James Woods Walker, Q.C.	Toronto

Approved

RESIGNATIONS

(a) Mr. *John Moffat Graham* of Toronto applied for permission to resign his membership in the Society, submitted his Declaration in support and will submit proof of publication in the Ontario Reports.

(b) Mr. *William Lloyd Tymchyshyn* of Regina, Saskatchewan applied for permission to resign his membership in the Society, submitted his Declaration in support and requested that he be relieved of the requirements of publication in the Ontario Reports.

(c) Mr. *Harvey John Wiebe* of Calgary, Alberta applied for permission to resign his membership in the Society, submitted his Declaration in support and requested that he be relieved of the requirements of publication in the Ontario Reports.

The Committee approved these three applications.

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law, requested permission to continue their membership in the Society without payment of annual fees:

Austen Bastedo McIlmoyle	Toronto	As of 30 April 1982
Frederick Bertram Schuch	Huntsville	As of December 1982

Approved

INFORMATION

ROLLS AND RECORDS

(a) Appointments to the Bench

The following member has been honoured by his appointment to judicial office and his membership in the Society placed in abeyance upon his assuming office:

Robert Perras, Q.C. Kapuskasing	Called – 26 June 1958 Appointed District Court Judge District of Nipissing – 12 February 1982

(b) Deaths

The following members have died:

George MacDonald Grant, Q.C. Toronto (Life Member)	Called – 19 November 1925 Died – 24 December 1981
Gordon Alexander Fraser, Q.C. Niagara Falls (Life Member)	Called – 17 June 1926 Died – 5 February 1982
Mary Alice Murray Kingston	Called – 13 April 1962 Died – 11 February 1982
Donald McClelland Findlay, Q.C. King City (Life Member)	Called – 15 October 1931 Died – 20 February 1982
Allan Henry Fitch, Q.C. Toronto	Called – 22 September 1967 Died – 25 February 1982
Cornelius Allan Foran Scottsdale, Arizona	Called – 29 June 1950 Died – 26 February 1982
John Lash Coburn Ancaster (Life Member)	Called – 15 November 1928 Died – 19 January 1982

(c) Disbarments

James Howard Freeman Dunham Hamilton	Called – 21 March 1969 Disbarred – Convocation 26 February 1982
Samuel Stein Don Mills	Called – 14 September 1951 Disbarred – Convocation 26 February 1982

Noted

THE REPORT AS AMENDED WAS ADOPTED

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Barr, Crane, Doran, Ferrier, Ground, Lamont, Scace, Mrs. Tait and Mr. Wardlaw.

POLICY

FACULTY OF LAW – UNIVERSITY OF MONCTON

The University of Moncton's application for a modification of the Bar Admission Course articling policy in respect of its LL.B. graduates was tabled at the February meeting for additional information concerning the Moncton curriculum.

The University of Moncton's primary programme is a three year LL.B. programme conducted in French and that programme meets Ontario articling requirements without any problem. However, Moncton also offers a *three semester* LL.B. programme for students with B.C.L. degrees from other universities. It is the inherent conflict of that programme with the Society's articling requirements to which the University of Moncton's application relates. The problem arises because the three semester programme finishes in December and what the University of Moncton and the current student petitioner are seeking is a special arrangement which will avoid students in that programme, who want to practise law in Ontario, having to wait eight months after their graduation to commence articles in Ontario.

The Director's recommendation, for the reasons set out in his report to the Committee, is that the petitioner be advised that he cannot be admitted to the Bar Admission Course until after he receives his LL.B. degree. However, if in the summer between the end of his second semester and the beginning of his last semester he were able to obtain four months of Ontario law office experience equivalent to the experience of an articling student, then he could apply in December of 1982 for enrolment in the Bar Admission Course and if he were at that time to also petition to have his articling period shortened because of his four months' law office experience the preceeding summer, such a petition would be entertained by the Society and he could reasonably anticipate acceptance of the petition, provided he could satisfy the Legal Education Committee as to the substantial quality of the prior law office experience. The instruction to the petitioner would have to make it clear that the Law Society accepted no responsibility for his finding acceptable arrangements for the summer practice experience.

Approved

INFORMATION

CURRICULUM CHANGES AND RELATED MATTERS

The Committee noted a proposal to have the Director review with the Committee a number of ideas, on which he is currently at work, involving changes to the 1982-83 curriculum and other related matters.

BAR ADMISSION COURSE – ANNUAL MEETING

The Bar Admission Course Annual Meeting with the accompanying dinner for section heads and senior course instructors, is to be held on Wednesday, May 12th, 1982 at 2:00 o'clock in Convocation Room. The meeting will be followed by dinner hosted by the Benchers. The dinner is at 6:00 o'clock for 6:30 o'clock in the Benchers' Dining Room.

FINANCIAL STATEMENTS

The Committee considered financial statements for the Bar Admission Course for the eight-month period from July 1st, 1981 to February 28th, 1982.

THE REPORT WAS ADOPTED

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LEGAL AID COMMITTEE–Mr. Chadwick

Mr. J. B. Chadwick, Chairman, presented the Report of the Legal Aid Committee of its meeting on Wednesday, 10th March, 1982.

The following members were present: James B. Chadwick, Chairman, Messrs. Barnes, Barr, Ms. Cornish, Messrs. Crane, Bragagnolo, DeLorey, Ellis, Guthrie, Lamb, Michon, Russell, Mrs. Smythe, Mrs. Tait and Mr. Wallace.

The following observer members were also present: Robert Holden, solicitor and Paul Copeland, solicitor, for the Criminal Lawyers Association; Victor Paisley, solicitor, for The Advocates' Society.

POLICY

DUTY COUNSEL

In November, a Sub-Committee was appointed, comprised of Messrs. Robert J. Carter (Chairman), Robert Holden, solicitor, Dermot McCourt, Harold J. Levy, solicitor, Russell Otter, solicitor, and John Zado, Supervisor, Salaried Duty Counsel, York County, to study not only the cost reduction aspect of duty counsel in large centres of the province but also to study the quality of duty counsel representation being provided throughout the province.

After in depth review the Legal Aid Committee approved the following Report of the Chairman of the Sub-Committee:

> This Sub-Committee was asked to study the provision of Duty Counsel representation in the criminal courts of the larger urban centres in the province in terms of the quality of the representation provided and the cost of such representation with a view to proposing recommendations for means of reducing the cost of the Duty Counsel services.
>
> Special Projects Co-ordinator, Harold J. Levy, was instructed by the Committee to conduct studies in the following cities: London, Windsor, Hamilton, Sudbury, Oshawa, Brampton, Barrie and Ottawa.
>
> Mr. Levy visited each city and held meetings with the local Area Office staff and representatives of the local Bar and has now reported in detail to this Sub-Committee.
>
> Following Mr. Levy's report your Sub-Committee discussed in depth whether the introduction of staff Duty Counsel Programs such as that now operating in Metropolitan Toronto would prove to be financially cost effective while maintaining the quality of service in smaller urban areas.
>
> Your Sub-Committee is of the view that the staff concept is inapplicable to the areas studied, as in the smaller urban centres there is insufficient volume of work for Duty Counsel to merit the hiring of staff to replace representation by the private Bar. The Duty Counsel Staff Program in Toronto can work well and cost effectively because of the sheer volume of work, because of the particular geography of Toronto and distribution of the courts, because of the

variety which can be offered to Duty Counsel so as to prevent burnout and boredom and because of the ability, due to the number of Duty Counsel employed, to provide direction under a permanent Director and training programs and seminars in order to provide a sufficient degree of diversity.

Your Sub-Committee is of the view for these reasons that the introduction of staff Duty Counsel offices in the smaller suburban areas would not lead to greater cost efficiency and furthermore would not improve the quality of representation provided.

Your Sub-Committee is of the view, however, that there are presently available practical and effective measures which will maintain and enhance the quality of Duty Counsel representation provided and enable quality representation to be provided at a lesser cost.

For example, Mr. Levy reported that the cities with quality representation at reduced cost to the Plan are those in which the Area Director has limited the size of the criminal Duty Counsel Panel to the number of counsel necessary to provide the services and has confined membership on the Panel to those lawyers who in the view of the Area Director have demonstrated a sufficient degree of experience acting as defense counsel in the criminal courts so as to merit being placed on the Panel. Due to experience and in practicing in the criminal courts and the knowledge acquired of the workings of the criminal justice system, the overall trial process and the individuals involved, experienced lawyers acting as Duty Counsel approach their Duty Counsel tasks with great efficiency and are able to dispose of many matters on crowded court lists in short periods of time with excellent service being provided to the client and a resulting cost saving to the Plan. The knowledge that service on the reconstituted Panels will take less of the practitioners time will be an inducement, in addition to that of exercise of professional responsibility to the public, for experienced criminal lawyers to serve regularly as Duty Counsel.

Where Duty Counsel representation is provided by inexperienced lawyers, the court list takes greater time to be processed at a greater cost to the Plan and the client may receive a lesser quality of representation which may be reflected in unnecessary incarceration prior to trial or other serious negative consequences.

Given the various serious consequences which can result to an accused person because of representation by inexperienced counsel in the criminal courts and the additional cost which is imposed on the Plan through representation by less experienced counsel, your Sub-Committee is of the view that in each of the areas studied, the criminal Duty Counsel Panels should be revised so as to be limited in size to the number of experienced defense counsel who are required to provide the Duty Counsel representation in the courts served. In reconstituting the Panels, the Area Director should have regard to the degree of experience which the applicant has acquired in acting for the accused in criminal cases and that counsel's demonstrated ability to provide a high level of representation. Where a vacancy in the Panel arises, the applicant must meet the same criteria and be subject to a probation period of 3 months before being placed on the Duty Counsel Panel. The number of places on the reconstituted Panels should be determined in consultation with the Provincial Director and the reconstituted Panels should be made effective

August 1, 1982 to provide for an adjustment period. Subject to the approval of the Provincial Director, an Area Director may increase the size of the reconstituted Duty Counsel Panel because of increased demands on Duty Counsel.

To accomplish these ends, we recommend that a training period be established for Duty Counsel and that before a lawyer is placed on the Duty Counsel Panel he must attend such a course. The Area Director, in consultation with the Executive of the local Law Association, will then select lawyers to form the Duty Counsel Roster.

Mr. Levy also reported to the Sub-Committee that in some of the cities which he visited, additional costs were being imposed on the delivery of criminal Duty Counsel services because of the manner in which bail hearings and other hearings in which Duty Counsel provided representation were being scheduled. If, for example, Duty Counsel matters were being held down to the end of the list, the Duty Counsel might have to work a 5 or 6 hour day rather than providing the services in a considerably shorter period of time.

Your Sub-Committee is of the view that this aspect of the provision of Duty Counsel services cannot be isolated but rather must be considered in the overall context of the administration of criminal justice and is of the view that through consultation and cooperation with the Attorney-General, Provincial Court Judges, court administrators and police officials, administrative changes can be made which will significantly lower the cost of provision of Duty Counsel services in the Province.

Your Sub-Committee, therefore, recommends that the Attorney General's aid be solicited with a view to identifying those areas in which administrative changes can be made where suitable, which will ensure that Duty Counsel matters are scheduled at the earliest time with a view to minimizing the costs of Duty Counsel service provided.

Your Sub-Committee considered a proposal by John Zado, Director of the York County Duty Counsel Program, asking that representation at the Saturday and Sunday courts in Metropolitan Toronto and night Duty Counsel representation be returned to the staff of the York County Program.

Representation in these areas had previously been provided by the staff Duty Counsel but had been discontinued as a result of certain administrative difficulties which have now been resolved.

Mr. Zado had advised the Sub-Committee that his proposal would result in savings to the Plan in excess of $400.00 per week which would lead to an overall saving of more than $20,800.00 per year.

Your Sub-Committee recommends that Saturday Duty Counsel, Sunday Duty Counsel and night Duty Counsel in Metropolitan Toronto be serviced by the staff at the York County Duty Counsel Program with the resulting cost saving, maintenance of standards of expertise, reduction in administration time and continuity of case.

Mr. Justice G. Arthur Martin has stated that one of the most visible aspects of the Ontario Legal Aid Plan is the performance of Duty Counsel in the Provincial Courts Criminal Division. The recommendations herein are made in this spirit with the intention of maintaining a continued high quality of representation to the public and all accused persons and to ensure the efficient spending of public funds.

ADMINISTRATION

MANAGEMENT COMMITTEE

In February, Convocation approved a Report of the Sub-Committee on Computerization that a Management Committee be created to carry out reforms and reorganization with respect to the Provincial Legal Aid Office with the object of enlisting the co-operation and understanding of the present administrative staff in making changes that are designed to make full use of their individual and collective experience and talent.

The Chairman of the Legal Aid Committee advised that the Management Committee will consist of the Chairman of the Legal Aid Committee and the two Vice-Chairmen, Messrs. Robert J. Carter and C. Bruce Noble. Other resource people, including members of the Legal Aid Committee, will be added from time to time depending on their expertise with respect to matters being reviewed by the said Management Committee. Messrs. Robert E. Barnes and D. W. Jones have been added to the Management Committee until recommendations have been made with respect to the possibilities of computerizing the payment of solicitors' accounts under the Legal Aid Tariff and also to explore the possibilities of having a standardized statement of account form.

PUBLIC INFORMATION

After careful review the Committee recommended the approval of a Report of the Sub-Committee re Public Information, under the chairmanship of George E. Wallace, Q.C. The Report is as follows:

> The Sub-Committee met on February 10, 1982, with the following in attendance: George Wallace, Q.C., Chairman, Mrs. Fleming, Professor Russell, Mrs. Tait, Mr. Yachetti. The Public Information Officer was also present.
>
> 1. HAMILTON LEGAL AID COMMITTEE MEETING
>
> The Sub-Committee reviewed the results of the two out-of-Toronto Legal Aid Committee meetings held in 1981 and the guidelines approved by the Legal Aid Committee for any future out-of-Toronto meetings.

Mr. Yachetti noted that the Hamilton Civic Centre would be available on the dates suggested by the Chairman of the Legal Aid Committee, and the Sub-Committee chose May 7, 1982 as the date of the next out-of-Toronto meeting to be held in Hamilton.

The Public Information Officer was asked to keep any advertising expenses to $1,000 or less and Mrs. Tait suggested that invitations should be sent to various social organizations in the area asking them to send representatives and mentioning the Legal Aid Committee's desire for input from them.

The Sub-Committee suggested that Mr. Yachetti and Mr. Beaufoy work out the details of this and other matters with respect to the meeting.

Although members of the Committee would be expected to make their own arrangements to attend the meeting, it was recommended that a map be made available of the downtown Hamilton area to assist Committee members in finding the Convention Centre.

With respect to format, it was suggested that both the Mayor and Regional Chairperson be invited and requested to address the meeting.

Also, the Attorney-General, Mr. McMurtry might be approached to address a luncheon meeting. Mr. Yachetti agreed to contact the Attorney-General and/or the Treasurer regarding availability on that day.

It was also recommended that instead of each senior staff person giving an individual address, that the Chairman, Mr. Chadwick, provide a brief outline of the Plan's activities and innovations.

It was also suggested that an academic be approached who might provide a short address on, for example, the impact of the new Constitution on legal aid. This might well spark additional interest in the meeting.

Your Sub-Committee therefore recommends that the next out-of-Toronto meeting take place in Hamilton on May 7, 1982, subject to the guidelines outlined above.

2. DISTRIBUTION OF LEGAL AID PAMPHLETS

The Public Information Officer provided the Sub-Committee with information concerning previous distribution of legal aid pamphlets through the Supermarket Information Network. The Sub-Committee agreed that another distribution should take place after April 1, 1982, when the price will drop to $8,160 for distribution through 400 Supermarkets throughout Ontario for an eight-week period.

In arriving at its recommendation, the Sub-Committee noted the results of two previous distributions. In 1979, legal aid brochures were placed in 340 Supermarkets and 44,500 were *selected* by shoppers at a total cost of $6,936 or about 16 cents per pamphlet. In 1980, 350 supermarkets were involved and 43,400 pamphlets were *selected* at a total cost of $7,140 or about 16.5 cents per pamphlet.

Your Sub-Committee unanimously recommends that another distribution take place after April 1, 1982 subject to the colour of the cover of the pamphlet being changed somewhat and subject to the words "consult the legal aid listing in your Yellow Pages" being added to the copy.

3. JOINT ADVERTISING LEGAL AID AND LAWYER REFERRAL SERVICE

The Sub-Committee discussed a suggestion by the Chairman of the Legal Aid Committee that a joint advertising program be considered involving the Legal Aid Program and the Law Society's Lawyer Referral Service.

After an in-depth discussion, the Sub-Committee was of the view that, given the probability of extensive advertising later this year of the Society's DIAL–LAW program (which will include reference to the Lawyer Referral Service and Legal Aid), this matter should be deferred.

However, your Sub-Committee agreed that the Public Information Officer should obtain information from advertising agencies with respect to the costs of such advertising and the cost-sharing which would take place between the Society and the Plan for such advertising.

4. ADVERTISING OF DUTY COUNSEL CLINICS

Your Sub-Committee considered a request for advertising funds from the Hamilton Law Association to promote the Duty Counsel clinics now operating in the Hamilton area.

After discussion, your Sub-Committee decided not to approve the request on the ground of cost and on the ground that other areas would also then seek funds for such advertising.

The Public Information Officer was directed to reply to the Hamilton Law Association suggesting that it take advantage of as much "public service" advertising (free) through the local media as possible.

INFORMATION

LEGAL AID COMMITTEE – RESIGNATION

Sidney B. Linden, Q.C., a member of the Legal Aid Committee, tendered his resignation due to other commitments.

The Legal Aid Committee unanimously requested that the March Legal Aid Committee Report to Convocation express the Legal Aid Plan's sincere appreciation to Mr. Linden for his dedication as a Legal Aid Committee member and for the tremendous contribution he has made as a member of various Sub-Committees over the years.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report, pursuant to Section 95(2), for the ten month period ended January 31, 1982, shows that payments from the Legal Aid Fund were less than budget by

$288,000 as follows:

Under budget	*$*	*$*
Duty Counsel payments	24,000	
Criminal certificate accounts	675,000	
Legal Advice Accounts	8,000	
Salaried Duty Counsel Programme	89,000	
Community Clinic funding	54,000	
Research Facility	170,000	
Special Projects	134,000	1,154,000
Over budget		
Civil certificate accounts	422,000	
Area Office costs	210,000	
Provincial Office costs	234,000	866,000
		288,000

Income from sources other than the Province of Ontario exceeded budget by $3,309,000 as follows:

Law Foundation	2,600,000	
Client contributions	358,000	
Costs recovered	126,000	
Miscellaneous	225,000	3,309,000

At January 31, 1982, there was a balance in the Fund of $2,655,000.

Statistics

The following table compares reported activity for the first ten months of this fiscal year with the activity for the same period in the previous fiscal year:

	10 months ended		*% Change*
	Jan. 31, 1982	*Jan. 31, 1981*	*from last year*
Summary Legal Advice	37,557	34,674	+ 8.3
Referrals to other agencies	54,383	57,088	+ 4.7
Applications for certificates	91,105	92,746	– 1.7
Refusals	28,163	33,878	– 16.8
As a percentage of applications	30.9	36.5	
Certificates Issued	65,942	65,871	+ 0.1
Persons assisted by Duty Counsel:			
Fee for service	143,665	130,619	
Salaried Duty Counsel	44,398	57,177	
Total	188,063	187,796	+ 0.1

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	January 1982	*10 Months to Jan. 31/82*	*10 Months to Jan. 31/81*
Reviews on hand	951		
Reviews received	107	1280	1382
	1058		
Settlements reviewed in	50	1088	1539
Settlements awaiting review	1008		
	1058		

Appeals

	November	*December*	*January*
Appeals to Taxing Officer received during	–	–	1
Appeals heard by Taxing Officer	–	–	1
Appeals pending at the end of the month	1	1	1

Activity

	Month of Jan. 1982	*10 Months to Jan. 1982*	*Month of Jan. 1981*	*10 Months to Jan. 1981*
Accounts on hand at beginning	8171	12524	13920	12454
Accounts received	5738	56456	5763	55808
Total accounts to be processed	13909	68980	19683	68262
Less: Files Cancelled	40	369	46	346
Accounts Processed	5492	60234	7036	55315
Balance	* 8377	8377	12601	12601
In addition to the number of accounts for services completed there were:				
Interim Accounts	565	4540	388	3663
Supplementary Accounts	279	3457	202	2892
Total	844	7997	590	6555

*Of this number 400 accounts have been examined, letters have been sent to solicitors and further information is awaited.

Accounts distributed for examination on February 1, 1982 were received on the following dates:

Criminal	New Tariff	Jan. 20, 1982	Civil	New Tariff	Jan. 5, 1982

AREA COMMITTEES

(a) APPOINTMENTS

Essex County

John Riggs, solicitor

(b) RESIGNATIONS

Essex County	**Niagara North**
Joseph Comartin, solicitor	E. R. Wand, solicitor

THE REPORT WAS ADOPTED

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CLINIC FUNDING REPORT

Mr. Chadwick presented the Report of the Director of Legal Aid, dated 11th March, 1982, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending the continuation of funding for community clinics, pending the designation of funds by the Attorney General for the fiscal year 1982/83.

The Director recommends to Convocation that the report of the Clinic Funding Committee dated March 11, 1982, setting out that recommendation, be adopted.

THE REPORT WAS ADOPTED

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

. . . .

The Treasurer and Benchers had as their guests for luncheon The Honourable Mr. Justice Edson L. Haines, Supernumerary Judge of The High Court of Justice for Ontario, Dean R. W. Ianni, Q.C., of the Faculty of Law of The University of Windsor, and Professor John C. Smith of Osgoode Hall Law School of York University.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Arthurs, Barr, Carthy, Cass, Chadwick, Doran, Farquharson, Ferrier, Furlong, Genest, Ground, Lamont, Mrs. Legge, Messrs. Lerner, Mills, Pepper, Ruby, Mrs. Tait, Messrs. Tobias, Wardlaw and Yachetti.

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Ground (Chairman), Wardlaw (Vice-Chairman), Genest, Lamont, Ruby, Strauss and Mrs. Sutherland.

POLICY

FEE–SPLITTING

The Commentary under Rule 10 prohibits fee-splitting. At a recent Invitation to Attend where the partners of a law office located in a department store were present, it came to light that their lease provided for the payment of a rent composed of a fixed amount and a percentage of the revenue generated by the practice. The propriety of this arrangement in view of the Rules was discussed, as was that whereby a retiring lawyer selling his practice to another lawyer enters into an agreement of purchase and sale which provides that the consideration will include a percentage of the revenue generated from the retiring lawyer's practice.

The Committee concluded that the lease arrangement was not proper and recommended that paragraph 6 of the Commentary to Rule 10 be amended by adding the following paragraph to the Commentary:

> "A lawyer shall not enter into a lease or arrangement whereby his landlord directly or indirectly shares in the fees or revenues generated by his practice."

The Committee was of the opinion that the type of agreement of purchase and sale described above was not improper and recommended that a separate paragraph be added at the end of paragraph 6 of the Commentary to Rule 10 which would read as follows:

> "This Commentary does not prohibit an arrangement respecting the purchase and sale of a law practice when the consideration payable includes a percentage of revenues generated from the practice sold."

ADMINISTRATION

PARAGRAPH 14(a) OF THE COMMENTARY TO RULE 13

Paragraph 14(a) of the Commentary to Rule 13 provides that a lawyer may place on a professional card his preferred areas of practice. There have been a number of cases where lawyers have placed sub-headings under specific preferred areas of practice which are in accord with Mr. Carthy's letter to the profession of February 4th, 1981. Some persons have elaborated further and this elaboration would appear to be informational and therefore in conformity with the Rules.

Set out is the following example:

FAMILY LAW
AND DIVORCE

Family law and divorce is the preferred area of
practice of
B. Included in this area of practice are the following:
cohabitation agreements, marriage contracts,
adoptions, support and custody matters, division of
family assets including the matrimonial home,
separation agreements and divorces. The fee for an
initial one half hour consultation is twenty-five
dollars. Our office is located at
The firm is

.

The Committee concluded that this was legitimately informational and did not contravene the paragraphs of the Commentary to Rule 13.

INFORMATION

JOINT SUB–COMMITTEE ON SOLICITOR/CLIENT RELATIONS

A joint meeting of the Discipline Committee (Policy Section) and this Committee has been arranged for April 22nd 1982 to discuss the report of the above Sub-Committee and the report of the Sub-Committee on Lawyers Acting as Mortgage Brokers.

SUB–COMMITTEE ON DISCLOSURE OF DOCUMENTS DESIGNATED CONFIDENTIAL–FOR PROFESSIONAL USE ONLY

The one-man Sub-Committee studying this subject will report to the April meeting of the Committee.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–

Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Farquharson (Chairman), Bragagnolo, Crane, Mills, Mrs. Tait and Mr. Yachetti. Messrs. C.E. Bennett (Under Treasurer) and G. W. Howell (Chief Librarian) were also present.

ADMINISTRATION

ONTARIO REPORTS

The Secretary reported that letters were received from John S. Dietrich, Q.C., concerning a submission on the key system of reporting. The Committee recommended that the Secretary write to Mr. Dietrich indicating that the Society would be prepared to pay his disbursements incurred in respect of his research up to a maximum of $500.

CANADIAN ASSOCIATION OF LAW LIBRARIES (C.A.L.L.) CONVENTION, MAY 17–20, 1982

The Chief Librarian requested permission for himself and three librarians to attend the annual Convention in Victoria, B.C. The Committee recommended that permission be granted.

PURCHASE OF MICROFICHE READER–PRINTER

The Chief Librarian requested permission to purchase for use in the Great Library an ALOS Microfiche Reader-Printer at a total cost of $1,845. The Committee recommended such purchase at a total cost of $1,845.

COUNTY LAW ASSOCIATIONS

The Secretary reported that a letter was received asking that the Committee consider the possibility of amending The Law Society Act (if necessary), to enable the County and District Law Associations to impose sanctions against members who improperly remove or who do not return books. The Committee recommended that the solicitor be advised that the County and District Law Associations already have the authority to impose sanctions by adopting a Constitution and passing By-Laws under Regulation 28(3) made under The Law Society Act. Since this is a matter of interest to many Associations, the Committee requested that this advice be placed in the Communiqué.

INFORMATION

GIFTS AND DONATIONS

The following gifts and donations which have been received by the Great Library from Austin M. Cooper, Q.C., were noted:

Turner, John N.	*The Federal Court of Canada, Manual of Practice*
Sturge, L.E.	Cockle's *Cases and Statutes of Evidence* 7th ed.
Turner and Armitage	*Cases on Criminal Law*
Challies	*The Law of Expropriation* 2d ed.

BOOK LIST

A list of 19 new acquisitions by the Great Library was approved.

ONTARIO REPORTS PROVINCIAL COURT JUDGES

The Secretary reported that the matter of supplying the Provincial Court Judges with copies of the Ontario Reports without charge was deferred from the last meeting. The Secretary was instructed to obtain further information and to place this matter on the agenda of the Committee at its next meeting.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. R. Barr, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Barr (Vice-Chairman in the Chair), Doran, Farquharson, Mrs. Legge, Messrs. Tebbutt and Wardlaw. Messrs. Hargraft, Forbes and Marshall were also present.

ADMINISTRATION

E & O Fund – Counsel Form of Accounts and Retainers

The Committee had before it as schedules "A", "B" and "C" to the Report of the Director of the Practice Advisory

Service, guidelines respecting Solicitor's Fee Accounts, Solicitor's Fee Statement and Solicitor's General Account Ledger Statement.

The Committee recommended approval of the forms before Convocation which embody amendments made by the Committee.

It was moved in Convocation, seconded and carried that this matter be returned to the Committee for further consideration.

Practice Advisory Service

The Director's Report for February 1982 was approved.

INFORMATION

Counsel Fees

A list of counsel fees paid in February 1982 was noted by the Committee. The totals are as follows:

Fund Year	*Amount Paid*	
1977	480.95	
1978	4,002.47	
1979	6,033.72	
1980	23,486.77	
1981	34,089.34	
1982	175.00	$ 68,268.25

Adjusters' Fees

A list of fees paid in February 1982 was noted by the Committee. The totals are as follows:

Fund Year	*Amount Paid*	
Old Fund	1,486.53	
1977	1,292.00	
1978	5,780.50	
1979	11,647.80	
1980	23,795.92	
1981	56,388.13	
1982	117.00	$100,507.88

Monthly Report

Mr. Hargraft's monthly report for February 1982 was noted by the Committee. Totals of claims including defence costs paid in February 1982 are as follows:

Claim and Defence Payments		*Deductible Received*	*Net Cost to Society*
1977	12,023.52	11,207.21	816.31
1978	51,923.69	8,955.34	42,968.35
1979	102,365.59	6,391.46	95,974.13
1980	73,139.57	52,924.36	20,215.21
1981	136,213.85	50,474.16	85,739.63
Totals	$375,666.22[2]	$129,952.53[3]	$245,713.69

[2] Of this amount, $151,400.60 is the deductible portion ($3,579.38 not collectible).

[3] Of this amount, $33,030.76 follows the December demand letters.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

CONTINUING LEGAL EDUCATION COMMITTEE–
Mr. Ferrier

Mr. L.K. Ferrier, Chairman, presented the Report of the Continuing Legal Education Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Mr. Lee K. Ferrier, Chairman, Messrs. Barr, Crane and Wardlaw.

ADMINISTRATION

AMENDMENTS TO RULES

On Friday, February 26th, 1982, Convocation adopted the recommendation of the Legal Education Committee that a standing committee on Continuing Legal Education be formed separate from the Legal Education Committee and with a separate budget, to be called the Continuing Legal Education Committee, with powers and duties coincident with those of the Law Society as related to Continuing Legal Education.

The formation of the Continuing Legal Education Committee requires amendments to Rules 27 and 35, subrule (1) and (2) and the making of a new Rule 46c. The following resolution is, therefore, before the Committee and Convocation:

RESOLVED THAT the Rules made under The Law Society Act be amended as follows:

THAT Rule 27 be amended by adding to the end thereof,

"12. Continuing Legal Education.";

THAT subrule (1) of Rule 35 be amended by deleting the words "including the continuing education of the practising profession" and substituting therefor the words "excluding continuing legal education" so that the said subrule as amended shall read as follows:

"35.–(1) The Legal Education Committee is responsible to Convocation for Legal Education and all matters related thereto excluding continuing legal education.";

THAT subrule (2) of Rule 35 be amended by deleting Paragraph (g) thereof; and

THAT the following new Rule 46c. be added:

"CONTINUING LEGAL EDUCATION COMMITTEE

46c. (1) The Continuing Legal Education Committee is responsible to Convocation for continuing legal education and all matters related thereto.

(2) Without limiting the generality of subrule 1, the Continuing Legal Education Committee shall,

(a) establish and hold in connection with continuing education programs or otherwise courses of lectures, seminars, conferences and panel discussions, and publish any parts thereof,

(b) make recommendations to the Finance Committee with respect to the appointments and salaries of members of the staff of the department of continuing legal education,

(c) prescribe the duties of the members of the staff of the department of continuing legal education,

and the Committee may make such arrangements and take such steps as it considers advisable to carry out its responsibilities."

The Committee recommended that the foregoing changes in the Rules be adopted, approved and effected.

INFORMATION

PROGRAMMES

The Committee reviewed a statement setting out a summary of the Continuing Legal Education programmes held in the month of February, 1982.

FINANCIAL STATEMENTS

The Committee considered the financial statements for the eight-month period from July 1st, 1981 to February 28, 1982 for Continuing Legal Education.

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON VOTING PROCEDURES FOR THE ELECTION OF TREASURER

Mr. L. K. Ferrier, Chairman, presented the Report of the Special Committee on Voting Procedures for the Election of Treasurer of its meeting on Friday, 5th March, 1982.

The Committee was composed of Messrs. Ferrier (Chairman), Doran and Carter.

The relevant sections of The Law Society Act and the Rules were before the Committee.

The problem with the present Rules can be briefly stated as follows:

> The Rules permit absent benchers to vote in an advance poll.
>
> The Rules permit more than two nominees for the office of Treasurer and if there are three or more nominees, the name of the nominee receiving the fewest number of votes on the first ballot is removed from subsequent ballots, and so on until there are only two nominees remaining.
>
> The defect is that there is no procedure for an advance poll for such subsequent ballots in the event that they are necessary.

One possible solution to the problem would be to have ballots which would list all candidates in the order of the preference of the voter. This is seen as an inappropriate solution because the voter's first choice may change depending on the outcome of the first vote. A further suggestion was that the voter be entitled, on the written ballot, to indicate combinations of choices – but this is seen as being unworkable because of the numbers of combinations that would be available.

The Committee is of the view that the following solution is preferable and it recommends to Convocation the establishment of the following principles:

1. Benchers not present at Convocation on the date that voting takes place should, as at present, be entitled to vote by an advance poll.
2. If there are only two candidates for the office of Treasurer, the one receiving the greater number of votes shall be elected.
3. If there are three or more candidates for the office of Treasurer, and one of them receives more than fifty percent of the votes cast, that candidate shall be elected Treasurer.
4. If there are three or more candidates for Treasurer and none has received more than fifty percent of the votes cast, another vote shall be taken after removing the name of the candidate with the lowest number of votes.
5. In such latter event, the vote will take place at the June Convocation in order to enable benchers to vote in an advance poll prior to June Convocation.
6. In such latter event, the Treasurer then sitting shall continue in office in the interim.

Because of the urgency of the matter, the Committee retained Mark Orkin, Q.C., to draft the necessary amendments to the Rules. His draft was before the Committee and the Committee recommended that the Rules be amended accordingly.

As a separate matter, Convocation was reminded that Section 25 of The Law Society Act provides that the election of Treasurer shall take place at the May Convocation or at such other time as the benchers may fix. Accordingly, if the above recommended changes are made, the Committee recommended that the election take place at the May 1982 Convocation unless a further ballot is required, in which event the Committee recommended that the election take place at the June 1982 Convocation. This last recommendation shall be required to be adopted by Convocation each year in order to facilitate the election procedures, unless an amendment to the Statute is sought.

It was moved in Convocation and seconded, but *lost*, that the election take place at the May Convocation.

It was moved, seconded and accepted by the Chairman of the Special Committee, and therefore *not put*, that there be an advance poll; and that the result be announced at the May Convocation and if no one obtained an overall majority, the vote will take place forthwith at the May Convocation but all voters who are not present may deposit their second ballot in the ballot box for two weeks thereafter.

It was moved, but not seconded and *not put* that there be a single preferential ballot by mail.

It was moved, seconded and *carried* that Benchers be enabled to vote by mail.

IN THE RESULT: All Benchers are entitled to vote by courier, by mail, or in person at the May Convocation. If a second ballot is needed a vote will be taken immediately in the May Convocation and any Bencher not present but who voted on the first ballot may vote on the second ballot by courier, by mail, or in person in the two weeks following May Convocation. The procedure is to be repeated until there is an election.

THE REPORT AS AMENDED WAS ADOPTED

FOLLOWING CONVOCATION the Secretary instructed Mr. Mark M. Orkin to revise the Amended Rule 19.2 which he had drafted so that it would conform to Convocation's wishes. Rule 19.2 as revised is as follows:

POLL

19.2 – (1) The Secretary shall at the April Convocation read the names of those nominated together with the names of the benchers moving and seconding the nominations and shall immediately after Convocation send to each bencher entitled to vote, at his address as shown on the records of the Society, a list of the nominees.

(2) Each bencher entitled to vote and present at the Convocation at which the Treasurer is to be elected may vote for only one nominee on each ballot.

(3) Any bencher entitled to vote and unable to be present at the Convocation at which the Treasurer is to be elected may vote in advance by completing a ballot and either depositing it in a ballot box in the presence of the Secretary or his nominee, or sending it to the Secretary who shall deposit it in the ballot box, and the Secretary shall at the Convocation at which the Treasurer is to be elected remove such ballots from the ballot box and place them with the ballots collected on the first ballot.

(4) When each ballot is completed, the Secretary shall collect the ballots and withdraw and open the ballots in the presence of the retiring Treasurer, or his delegate, who together shall scrutinize and count the ballots.

(5) The result of the ballot shall forthwith be announced in Convocation.

(6) If on the first ballot there are only two nominees, the nominee receiving the greater number of votes shall be declared elected Treasurer.

(7) If there are three or more nominees, the nominee receiving more than fifty per cent of the votes shall be declared elected Treasurer.

(8) If no nominee receives more than fifty per cent of the votes, the name of the nominee receiving the fewest number of votes on the first ballot shall be removed from subsequent ballots and a second ballot shall take place, benchers not present who voted in advance being entitled to vote on the second ballot by sending a completed ballot so as to be received by the Secretary during the two weeks following the second ballot and to be placed by him with the ballots collected on the second ballot.

(9) If no nominee receives more than fifty per cent of the votes on the second ballot, a third ballot shall be held at the next following Convocation, and the aforesaid provisions for ballotting and voting by benchers who voted in advance shall apply *mutatis mutandis* and ballotting shall continue as may be needed in the same manner until a Treasurer has been declared elected.

(10) In the event that a new Treasurer is not elected at the May Convocation the retiring Treasurer shall continue in office until his successor has been elected.

(11) In the event of a tie vote on any ballot the Treasurer, or if he is a nominee in the election, the Chairman shall have a casting vote or casting votes as may be needed to determine which name is to be dropped from succeeding ballots, or to determine the election as the case may be.

. . . .

SPECIAL COMMITTEE ON IMMIGRATION CONSULTANTS (IMMIGRATION ACT)

Consideration of the Report of the Special Committee on Immigration Consultants, dated 11th February, 1982 which was tabled at Convocation on Friday, 26th February, 1982, and directed to stand, was put over.

. . . .

COMPENSATION FUND COMMITTEE–Mr. Ogilvie

Mr. P. Genest presented the Report of the Compensation Fund Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Scace (Vice-Chairman in the Chair), Chilcott and Mills. Messrs. C.E. Bennett (Under Treasurer) and Mr. H. Stinton were also present.

ADMINISTRATION

1. The Secretary submitted a copy of Mr. H. Stinton's report and his analysis of the Compensation Fund claims to December 31st, 1981. After a thorough discussion of several question put to Mr. Stinton by Committee members, the Committee recommended that this matter be deferred until the April meeting.

2. Several accounts of Referees and counsel were approved.

3. A Report in the matter of *Loris Chapman* by The Honourable M. Lerner, Q.C., Referee, was considered and approved.

INFORMATION

The Committee considered the Compensation Fund Summary for the period July 1st, 1981 to February 28th, 1982 and noted that the claims received in February amounted to $1,462,822.29.

Set out below are some details contained in the said Summary:

COMPENSATION FUND

For the Period from 1st July, 1981 to 28th February, 1982

(8 months)

TOTAL RECEIPTS	$ 1,677,417.73
TOTAL DISBURSEMENTS	$ 226,210.23
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 1,451,207.50
BALANCE OF FUND at beginning of period	$ 2,232,468.09
BALANCE OF FUND at end of period	$ 3,683,675.59
CLAIMS RECEIVED and in the course of being processed at end of period	$18,972,052.79

THE REPORT WAS ADOPTED

. . . .

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Pepper (Chairman), Cass and Yachetti.

ADMINISTRATION

REQUESTS FOR FUNDS

(a) Student Application

An application for a grant, dated 16th February, 1982, from a student in the Bar Admission Course was before the Committee. On 17th February the Chairman approved that the student receive $500 immediately to relieve his financial problems. In a memorandum which was before the Committee Mrs. Knox recommended that he receive $750.

The Committee recommended that the applicant receive a further $250.

(b) Members' Applications

A letter, dated 7th January, 1982, was received from a member asking for financial assistance to help him with clothing, rent, etc. when he was released from hospital. This letter and a letter from an attending physician were before the Committee. On 25th February, the Chairman authorized a grant of $500 to be made to him, which the Committee was asked to ratify.

Two letters from a second member asking for financial assistance and explaining his income and expenses were before the Committee.

The Chairman authorized a grant of $500 to be made to him, which the Committee was asked to ratify.

The Committee ratified both grants.

THE REPORT WAS ADOPTED

. . . .

CONVOCATION ROSE AT 4:05 P.M.

. . . .

Confirmed in Convocation 28th May, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Tuesday, 6th April, 1982
11:30 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Carthy, Doran, Ground, Mrs. Legge, The Right Honourable Roland Michener, Mr. Outerbridge, Mesdames Sutherland and Tait, and Mr. Thom.

. . . .

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Tuesday, 6th April, 1982, with respect to the 23rd Bar Admission Course.

The following members were present: Mr. J. J. Carthy (Chairman), Messrs. Ground, Michener, Outerbridge and Mrs. Tait.

ADMINISTRATION

REPORT OF THE BOARD OF REVIEW FOR THE 23RD BAR ADMISSION COURSE

The Report of the Board of Review of the 23rd Bar Admission Course was before the Committee showing the names of the one thousand and seven candidates who have been found to have successfully completed the Bar Admission Course and the names of seven candidates who have been found to have failed the Bar Admission Course.

Approved

SCHOLARSHIPS AND PRIZES

The list of prizewinners in the 23rd Bar Admission Course was before the Committee.

Approved

THE REPORT WAS ADOPTED

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Tuesday, 6th April, 1982, with respect to the 23rd Bar Admission Course.

The following members were present: Mrs. Laura L. Legge (Chairman), Mr. Carthy, and Mrs. Sutherland.

ADMINISTRATION

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list of 1,000 candidates who have successfully completed the 23rd Bar Admission Course, filed the necessary documents, paid the required fee of $210, and applied for Call to the Bar and to be granted Certificates of Fitness, was submitted as follows:

374 candidates	Toronto	6th April, 1982
379 candidates	Toronto	7th April, 1982
114 candidates	London	13th April, 1982
133 candidates	Ottawa	14th April, 1982

Approved

The following candidates, having successfully completed the 22nd Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted Certificates of Fitness:

Bert Weir Fitchett	Toronto	7th April, 1982
Barbara Joan Moody	Toronto	7th April, 1982

Approved

THE REPORT WAS ADOPTED

. . . .

CONVOCATION ADJOURNED FOR LUNCHEON AT 11:45 A.M.

. . . .

The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room at Osgoode Hall The Right Honourable The Lord Elwyn-Jones; The Right Honourable Sir Robert E. Megarry and Lady Megarry; The Honourable W.G.C. Howland, Chief Justice of Ontario; The Honourable Allan Goodman, a Judge of The Court of Appeal for Ontario, and Mrs. Goodman; His Honour Chief Judge Alan B. Gold, Judical District of Montreal, and Mrs. Gold; Dr. and Mrs. Joseph Peller; Mr. G.W. Collins-Williams, Q.C., Director of Continuing Legal Education; Mr. S.R. Ellis, Q.C., Director of the Bar Admission Course, and Mrs. Ellis; and Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course.

....

Following luncheon, the Treasurer, the Benchers and their guests proceeded to Simcoe Hall, University of Toronto, for the Call to the Bar Ceremonies of the 374 graduates of the Twenty-third Bar Admission Course who had applied to be called on Tuesday, 6th April, 1982.

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CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Carthy, Crane, Doran, Ground, Mrs. Legge, The Right Honourable Roland Michener, Mesdames Sutherland and Tait, Messrs. Thom and Yachetti.

The body of the auditorium was occupied by the 374 graduates, their families and friends.

....

CONFERRING OF HONORARY DEGREE

Mr. J. J. Carthy, Chairman of the Legal Education Committee, read the following Citation:

Mr. Treasurer –

It is my most pleasant duty to present to you and to this Convocation The Right Honourable The Lord Elwyn-Jones, Baron of Llanelli and Newham, a Lord of Appeal-in-Ordinary of Great Britain, and request you to confer upon him the degree of Doctor of Laws.

The character of his early scholarly attainments at once revealed his remarkable skill as an orator and confirmed his deep concern for those in need of help. These formidable attributes were developed in his advocacy before the Courts and applied through his influence in the House of Commons to which the same electorate returned him to represent them for nearly thirty years. He served there as Attorney-General and in other times as law officer and principal spokesman of the Opposition on legal and judicial matters.

His championship of the rights of the individual has been expressed by his support of the Defence League formed to relieve the plight of imprisoned Austrian Socialists in the decade which ended with the beginning of the Second World War, and later in the compassionate endeavours of Amnesty International. He was responsible for the creation of the office of Ombudsman in Great Britain.

His rare abilities and very significant achievements were further enhanced when as Lord High Chancellor he carried the onerous responsibility for the administration of justice in Great Britain. Now His Lordship's sagacity and experience are devoted to his duties as a Lord of Appeal and to those humanitarian ideals to which his allegiance has never faltered.

He is deserving of the highest honour this Society has to give and I request you, Sir, to confer upon The Right Honourable The Lord Elwyn-Jones, Baron of Llanelli and Newham, the degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon The Right Honourable The Lord Elwyn-Jones.

. . . .

ADDRESS

The Treasurer introduced The Right Honourable The Lord Elwyn-Jones, Baron of Llanelli and Newham, who addressed the graduates.

. . . .

PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education (during the existence of the Twenty-third Bar Admission Course), presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes to the respective recipients:

The Treasurer's Medal; The Roland O. Daly Scholarship; The Edwin George Long, K.C., Memorial Scholarship; and The Stuart Thom Prize for the student attaining the highest marks in the Course:

Howard Michael Herman

The Law Society First Prize; The Edwin George Long, K.C. Memorial Scholarship; and The Isadore Levinter Memorial Award for the student attaining the second highest marks in the Course:

Geoffrey Douglas Creighton

The Law Society First Prize, The Edwin George Long, K.C. Memorial Scholarship ; The Isadore Levinter Memorial Award for the student attaining the second highest marks in the Course; The Arthur Wentworth Roebuck Award for Family Law; and The Harcourts Advocacy Award:

Roxanne Elizabeth McCormick

The McCarthy Income Tax Prize:

David Wayne Glicksman
William Paul Lantz

The Day, Wilson, Campbell Corporate & Commercial Prize:

Leslie Elizabeth Wolfe

The Herbert Egerton Harris Advocacy Scholarships, Second Prize:

Evert Van Woudenberg

A share of The S.J. Birnbaum, Q.C., Scholarships for Estate Planning, First Prize:

Harold Earl White

The S.J. Birnbaum, Q.C., Scholarships for Estate Planning, Third Prize:

Rose Shore Friedman
Steven Warren Smith

and congratulated the recipients of the following special appointments:

Law Clerks to The Honourable W.G.C. Howland, Chief Justice of Ontario:

Peter John Connelly
Marie Alison Finkelstein
Donald Joseph Albert Lange

Law Clerks to The Honourable Gregory T. Evans, Chief Justice of The High Court of Justice for Ontario:

Wendy Lynn Bernfeld
Barbara Jean Bogoch
Anita Diane Fineberg
Christine Hope Mauro
Eric Michael Moore
Alan James Pratt

. . . .

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 374 candidates for Call to the Bar as follows:

TWENTY–THIRD BAR ADMISSION COURSE 1981-82

CANDIDATES FOR CALL TO THE BAR

ON TUESDAY, 6TH APRIL, 1982

Loris Jane Adamson
Thomas Alexander Adler
Carol Ann Albert
John David Andrew
Jay Lawrence Armeland
Robert Craig Armstrong
Susan Jane Ford Armstrong
Walter Zave Aronovitch
Brian Alan Babcock
Derek Kenneth Babcock
Steven Louis Baker
Carol Ann Bargman
Joseph John Baylis
Brian Vincent Beamish
Jennifer Jane Benimadhu
Timothy William Bermingham
Wendy Lynn Bernfeld
Shira Celia Bernholtz
Robert Neil Black
Ian Lawrence Blackman
John Robert William Blair
Israel Blumenkranc
Allan William Bogler
Barbara Jean Bogoch
Mary Theresa Bond
Howard Brian Borlack
Lisa Anne Borsook
Shia Myer Botnick
Asher Breatross
Paul Jeffrey Brown
Arthur Glenn Bryant
Jacqueline Ruth Bryers
Gyorgy Burger
Ian James Cameron
Brenda Rosa Maria Celi
Harvey Gary Chaiton
Theodore Michael Charuk
Stephen Morris Cheifetz
Salvatrice Chiarelli
Patricia Mary Chisholm
Carol Milka Catherine Chorich
Gerard Anthony Chouest
Eleanor Ruth Clitheroe
Jordan Michael Cohen
Mark David Cohen
Karen Ann Cohl
Peter John Connelly
Catherine Marie Conrad
Harvey Samuel Consky
Richard Alan Conway

Howard Gary Cooper
Mark William Cosens
Abraham Costin
Geoffrey Douglas Creighton
Ronald Barton Francis Cronkhite
Constance Lynne Crosby
Linda Gail Currie
Louis Meyer Cytrynbaum
Douglas Aleck Dadson
Juliana Angela Daly
Bertram James Dandy
Alan Joel Davis
Franklin Lorie Davis
Michele Louisa Desimone
James Arthur Diamond
Michael Peter Diamond
Barbara Lynn Doherty
Dan Samuel Donath
Howard Mark Drabinsky
William Charles Drewitz
Barbara Ann Edelstone
Diana Muriel Edmonds
Barry Allan Edson
Kenneth George Engelhart
Conrad James Enman
Phyllis Ann Murzyn Erlenbusch
Lawrence Kenneth Fagan
Frank Paul Farfan
Stephen Hartley Fay
Linda Esther Feldman
Vivian Judith Glass Felsen
Anita Diane Fineberg
Marie Alison Finkelstein
Neil Richard Finkelstein
Joseph Fragomeni
Jean Anna Fraser
Rose Shore Friedman
Mark Hansher Fromkin
Earl Mark Fruchtman
Ann Ethel Frymer
Kim Alexander Fullerton
Mary Lynn Eleanor Galbraith
William Richard Gale
Michael James Gallagher
Michael William Gangel
Michael Joseph Gariepy
Peter Eric Garrett
Samuel Gideon
James Mitchell Gilmore
David Wayne Glicksman
Charles Edward Goddard
Daniel Stephen Hirsch Gold
Daniel Lawrence Goldberg
Esther Goldberg
Harry Abraham Goldgut
Jerome Brian Goldhar
Albert Gerold Goldlist
Steven Harold Goldman
Leslie Brian Gomes
Susanne Ruth Goodman
Monty Farrel Goren
Thomas Jonah Gorsky
James Joseph Gorycki
Joanne Gottheil
Lewis Norman Gottheil
Graham Patrick Charles Gow
Gary Duncan Graham
Brian Keith Trasmuck
Abe Isaac Greenbaum
Howard David Greenberg
Roger Greenberg
Pauline Myriam Greenblatt
Howard Todd Greenbloom
Michael Norman Grosman
Felice Marsha Reiser Guberman
Susan Joy Guttman
Ruth Lynn Guzner
Joan Myra Haberman
Lon Jason Hall
John Frederick Hanbidge
Karen Kristine Hansen
Walter Jason McKay Hanson
John Robert Hart
Deborah Anne Hastings
Benjamin Hyman Hecht
Harriet Anne Heller
Gordon James Henderson
Jasmine Maria Herlt
Howard Michael Herman
Arthur Zev Herzig
Rodney Jerome Hickman
Ronald Norman Hier
John Duncan Travis Hill
Anthony St. John Hine
Joel Avrom Hirchberg
Howard Ping-Cheung Ho
Judith Lynne Huddart
Randal Thomas Hughes
Peter Geoffrey Hynes
Evelyn Susan Isaacs

Carol Elizabeth Forbes Jackson
Stephen Rae Jackson
Robert Jason
Jane Shaun Johnson
Nancy Margaret Johnston
Carolyn Jane Jones
Mark Elliott Joseph
Barbara Helen Laine Kagedan
Harry Kanner
Michael Nathan Kaplan
Jeffry Alexander Kaufman
Terence Austin Kelly
Brian Cyril Kelsall
Paul Robert King
Ian Douglas Kirby
Elaine Belle Kirsch
Howard Joshua Kirshenbaum
Mark Allen Klaiman
Ruth Klein
Susan Arlene Klein
Anna Mark Kleinberg
Allan James Joel Kling
Carolyn Pamela Kobernick
Robert Andrew Kominar
John-Cornelius Simon Koopman
Reva Kopel
Luba Audrey Kowal
John Vincent Kranjc
Deborah Lynn Kraus
Jerry Kreindler
Henry Charles Ross Krol
Wolf Juergen Kumberg
Gary John Kuzyk
Aaron Brian Kwinter
Clifford Ian Kyer
Barbara Ann Lackman
Barbara Lorraine Landau
Gary Neil Lands
Stephen Mark Lane
Donald Joseph Albert Lange
William Paul Lantz
Irving Darryl Laskin
David Howard Latner
Paul Layefsky
Sheldon Selig Lazarovitz
Rhonda Lazarus
Mona Kayla Lee
Marilyn Ruth Leitman
Randy Lee Levinson
Jeffrey Alan Levy
Eric Nathaniel Libman
Ronald William Groszman Linden
Derek William Lundy
Timothy John Lutes
Ingrid Lutter
Mary Bridget Lynett
Carla Rosemary Lyon
Mary Margaret Douglass MacDonald
Neil Joseph Macdonald
Norman James MacInnes
Catherine Frances MacLeod
Andrew John MacMartin
Andrew Madden
Mary Joyce Main
Salvatore Mannella
Alan Hilary Mark
Jimmy Marrelli
Timothy Douglas Mathany
James Wishart Mathers
Christine Hope Mauro
Anne Warner McChesney
Roxanne Elizabeth McCormick
Anthony Edward McCusker
Kevin Joseph McHugh
Peter Alexander McKeracher
David Alexander McKercher
James Bruce McLeod
Robert Gary McLister
William Andrew McMaster
Sheila Anne Mary Meloche
Jules Alvin Mikelberg
Jeffrey Steven Miller
Cameron Arthur Mingay
James Ewart Minns
Stanley Stoyan Mircheff
Melvin Sheldon Mogil
David Charles Mongeau
Jennifer Susan Monteith
Carol Euna Montgomery
Vernon Wayne Montgomery
James Robert Moon
Eric Michael Moore
Jane Elizabeth Morley
Dena Moyal
Judith Laura Munn
Ross Alexander Munro
Paul Joseph Murphy
William Alexander Brock Myles
Walter Myrka
Marilyn Ann Nairn

Michael Craig Nicholas
Sidney Howard Nightingale
Richard John Nixon
Robin-Lee Anne Norris
William Lawrence Northcote
John Edward Ort
Kevin William O'Shea
Franco Paletta
Ronald Charles Pancer
Massimo Panicali
Mona Ruth Paul
Lois Eileen Payne
Darrel Howard Pearson
John Edward Peller
Gary Mark Posesorski
Alan James Pratt
Barbara Jeanne Puckering
Anthony William Pylypuk
Dorothy Ann Quann
Caroline Rhona Redler
James Brian Reeve
Michael Rende
Daniel Stuart Revington
Carlo Ricciuti
Cheryl Jean Robertson
John David Robinson
Jonathan Cecil Rogers
Merle Debra Rosenhek
James Rossiter
Neal Howard Roth
Linda Rose Rothstein
Janet Cheryl Rubin
Sharon Reva Rubin
Solomon Rusen
Grace Brenda Rynski
Shamdayal Bridj Mohan Sahoy
Gerald Victor Schaffer
Simon Schonblum
Joseph Richard Clifford Schubert
Charles John Schumacher
Pearl Esther Schusheim
Jeffrey Joel Schwartz
Sheryl Elaine Seigel
Charles Mark Jay Selick
Kathryn Ann Shantz
Helen Meyers Sharpe
Rodney Dean John Sherratt
Wayne Alexander Shichowy
Jeffrey Paul Silver
Gregory Joseph Sim
David Michael Simon
Steven Warren Smith
Robert John Marshall Snell
Marvin Marshall Sokol
Barton Baruch Sookman
Brenda Catherine Spaulding
Joseph Gerard Speranzini
Shelley Merrill Spiegel
Helen Elise Staal
Nina Gale Stanwick
Ronald Kenneth Starkman
Robert Paul Steep
Debra Lynn Stephens
Glenn Robert Stephens
Sandra Jean Stephenson
David Peter Stevens
Jane Elizabeth Stewart
Heather Stone
Carol Anne Street
Clare Alison Sullivan
George Ted Surdykowski
Harry Louis Szenicer
William Peter Taws
Murray Isaac Teitel
Neva Louisa Tersigni
Peter Donald Tetley
Kevin Norman Thompson
Philip Warren Thompson
Peter John Thorup
Ted Edward Tichinoff
Dennis Antonio Trinaistich
Margaret Rachael Truesdale
Michael Lawrence Turk
John Michael Tuzyk
Leslie Andrew Vandor
Francine Elizabeth Van Melle
Evert Van Woudenberg
Janis Liane Magnuson Veenendaal
Patricia Lyn Venus
Gilad Arieh Vered
Louisa Jackson Alger Vervoort
David Isaac Warren
Ann Jane Watson
Harvey Weinberg
Ronald Weinberger
Michael Weizman
David John Wheat
Harold Earl White
John Scott Wilkie
Jerrold David Williams
Susan Lynn Winberg
Norman Winter

Ian Charles Wismer
John Martin Wissent
Stephen Neil Witten
Susan Lee Wolburgh-Jenah
Leslie Elizabeth Wolfe
Judith Wolfson
Sharon Laura Yale
Darlene Anne Yewer
Gordon John Zimmerman

Robert George Bigelow

Arnold Bruner
Donna Lynn Butler
Susan Tara Chernin
Gerald Ellis
Ilsa Janice Greenblatt
Alan Greening
Frank Horn
Carolyn Ann Malaniuk
Mary Jo McLaren
Kathleen Elizabeth Naylor
Anna Sari Pellatt
Irwin Robert Rotenberg

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

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CONVOCATION ADJOURNED AT 4:15 P.M.

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Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in Simcoe Hall with The Honourable W. G. C. Howland, Chief Justice of Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of Ontario before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers and Solicitors.

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Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Wednesday, 7th April, 1982
8:00 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for dinner in the Benchers Dining Room at Osgoode Hall The Right Honourable Sir Robert E. Megarry and Lady Megarry; The Honourable Gregory T. Evans, Chief Justice of The High Court of Justice for Ontario; His Honour Chief Judge W.E.C. Colter, County and District Courts of Ontario, and Mrs. Colter; His Honour Chief Judge H.T.G. Andrews, Provincial Courts (Family Division) of Ontario, and Mrs. Andrews; The Honourable Robert Welch, Q.C., Minister of Energy, and Mrs. Welch; Mr. H. Allan Leal, Q.C., Vice Chairman, Ontario Law Reform Commission, and Mrs. Leal; Mr. Dermot J. McCourt, C.A., Deputy Provincial Director, The Ontario Legal Aid Plan, and Mrs. McCourt; Mr. George Plaxton, Q.C., and Mrs. Plaxton; Mr. G. W. Collins-Williams, Q.C., Director of Continuing Legal Education; Mr. S. R. Ellis, Q.C., Director of the Bar Admission Course; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course; and Mr. W. R. Buchner, Q.C., Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

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Following dinner the Treasurer, the Benchers and their guests, including The Honourable F. W. Callaghan of The High Court of Justice for Ontario, proceeded to Simcoe Hall, University of Toronto, for the Call to the Bar Ceremonies of the 381 candidates who had applied to be called on Wednesday, 7th April, 1982.

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CONVOCATION RESUMED AT 8:00 P.M.

....

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Affleck, Arthurs, Barr, Carthy, Cass, Chadwick, Cooper, Doran, Ferrier, Furlong, Genest, Ground, The Honourable Allan F. Lawrence, Mrs. Legge, Messrs. Noble, Ogilvie, Outerbridge, Scace, Mesdames Sutherland and Tait, The Honourable Robert Welch and Mr. Yachetti.

The body of the auditorium was occupied by the 381 graduates, their families and friends.

. . . .

CONFERRING OF HONORARY DEGREE

Mr. J. J. Carthy, Chairman of the Legal Education Committee, read the following Citation:

> Mr. Treasurer –
>
> It is my most pleasant duty to present to you and to this Convocation The Right Honourable Sir Robert Edgar Megarry, The Vice-Chancellor of the Chancery Division of the High Court of Justice of England and Wales, and request you to confer upon him the degree of Doctor of Laws.
>
> A prodigious scholar and a prolific writer whose legal works are well known to lawyer and law student alike, he began his career with a brief period as a solicitor and then qualified as a barrister.
>
> During a distinguished career at the Bar he displayed remarkable abilities and boundless energy in combining with his practice, at various times, writing, teaching and lecturing at home and abroad, and participation in the work of the Bar Council.
>
> Those abilities and the same energy have marked his fifteen years on the Bench, first as a Judge in Chancery and now as The Vice-Chancellor of that Court. His Lordship has served the law as writer, teacher and jurist and through the law has justly earned a reputation that extends beyond the borders of his country. His renown is based not only on his erudition but on his warm and generous humanity with its leavening of humour.
>
> He is deserving of the highest honour this Society can give and I request you, Sir, to confer upon The Right Honourable Sir Robert Edgar Megarry the degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon The Right Honourable Sir Robert E. Megarry.

. . . .

ADDRESS

The Treasurer introduced The Right Honourable Sir Robert E. Megarry who addressed the candidates.

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PRESENTATION OF AWARDS AND APPOINTMENTS

Mr. G. W. Collins-Williams, Director of Legal Education (during the existence of the Twenty-third Bar Admission Course), presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the following prizes to the respective recipients:

The Law Society Second Prize for the student attaining the third highest marks in the Course; and The William Belmont Common, Q.C., Prize for Criminal Procedure:

David Gordon Stone

The Law Society Third Prize for the student attaining the fourth highest marks in the Course:

Mario Merocchi

The Herbert Egerton Harris Advocacy Scholarships, First Prize; and The International Academy of Trial Lawyers Prize for Civil Procedure:

Laurie Ann Vechter

The Isadore Levinter Prize for Civil Procedure II:

Douglas John Simpson

The Practitioners Prize in Real Estate:

Thomas Douglas Baulke

and congratulated the recipients of the following special appointments:

Law Clerks to The Honourable W.G.C. Howland, Chief Justice of Ontario:

Laura Aileen Hopkins
Andromahi Rhea Karakatsanis
Sandra Jean Wain

Law Clerks to The Honourable Gregory T. Evans, Chief Justice of The High Court of Justice for Ontario:

Robert John Atkinson
Louisa Maria Davie
Debra Marlene McAllister

Law Clerks to His Honour Chief Judge W.E.C. Colter, Chief Judge of the County and District Courts for the Counties and Districts of Ontario:

Christine Ada McGoey
Graeme George Mitchell
Pamela Jane Thompson

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CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 381 candidates for Call to the Bar as follows:

TWENTY–THIRD BAR ADMISSION COURSE 1981–82

CANDIDATES FOR CALL TO THE BAR

ON WEDNESDAY, 7TH APRIL, 1982

Imants John Abols
Peter Burke Adams
Giuseppe Agueci
Gary Edison Ainsworth
David Keith Alderson
Ilias Alexopoulos
John Newell Allport
Gurcharan Singh Anand
Vassilios Andreou
Peter Joseph Archambault
Kevin William Armstrong
Harold Stewart Ash
Robert John Atkinson
Philip William Augustine
Deborah Joyce Austin
Roger John Aveling
Jennifer Elizabeth Babe
John Roy Edward Bacon
Stephanie Dian Ball
Hugh Murray Gordon Ballantyne
Christopher James Bardsley
Diane Susan Barker
Michael Edward William Barrack
Laurie Elaine Barrett
George Richard Batty
Thomas Douglas Baulke
Robert William Beattie
Richard Joseph Belanger
Michael James Bennett
Ella Janet Lily Bernhard
Stephen Eric Bernstein
Susan Jane Biggar
Gregor Paul Binkley
John Andrew Black
Richard Paul Blouin
Stefan Bojeczko
Stuart Francis Bollefer
John Paul Joseph Brennan
Carolyn Jane Brindley
Constance Marie Brothers
Catherine Mona Buie
Timothy Bullock

Michele Mary Braniff Bumstead
Wayne Robert Bumstead
Donald James Burwell
Ann Maureen Bythell
Francis Stephen Callaghan
Colin Campbell
Nicolas Carlos Canizares
Manuel Andreas Cappel
John Wright Carson
James Peter Carwana
Thomas Glen Chalmers
Susan Elizabeth Channen
Max Pak Chuen Cheng
Robert Simon George Chester
John William Chidley-Hill
Kam Fai Ching
Deborah Lee Christie
Stephen John David Christie
Richard John St. Clair Coleman
Nancy Elizabeth Collyer
Joseph Robert Comuzzi
William Samuel Michael Cord
Caterina Cotrupi
Roger Alan Cotton
Tanis Jean Crowe
Gail Maureen Culp
Ronald Clayton Ernest Dabor
Patricia Hope Dakin
Ursula Elka Grit Daniels
Ian Timothy Dantzer
Angus James Sommerville Davidson
Louisa Maria Davie
Alexander Walter Demeo
Helga Patricia De Pauw
Raul Manuel De Oliviera de Resendes
Paul Anthony Dineen
Linda Louise Doede
Barbara Ruth Carson Doherty
Luis Leonidas Douramakos
Janet Gwen Downing
Lawrence Charissios Ducas
Bruce Frederick Duggan
James Andrew Scott Dunbar
Karen Leona Dunlop
John Howard Durfey
Valerie Anne Dyer
Wendy Barbara Eismont
Barbara Grace Elliott
Cheryl Jean Elliott
Angela Emerson
Hugh McClaren Evans
Paolo Falzone
Guy Farrell
Stephen James Farrell
Rui Manuel Fernandes
Kathryn Jean Filsinger
Francien Rose Finlayson
John Anthony Formusa
Peter James Forsythe
Bruce Jeffrey Forth
Joy Diane Frame
George Oren Frank
Janet Lynne Frank
Louise Irene Blakely Frederick
Andrew Gustaaf Frei
Kathryn Louise Frise
Janet Katherine Froud
Heather Ann Garbers
Douglas Gordon Garbig
Mario Giangioppo
Steven Bruce Gilbert
Deborah Karen Glatter
David George Glennie
Joseph Gottli
Michael Granat
Christopher John Grasset
Ross Edward Stewart Gray
Michael Robert Green
Barbara Jessup Greenwood
John Gordon Halladay
Harvey Lewis Hamburg
Thomas Alexander Hamilton
Malle Hanslep
Peter Vincent Harry Hartman
John Philip Hawker
Michael Koji Hayashi
Nelly Haytchouk
Peter William Sharpe Heisey
William Bertram Henderson
Stephen Peter Hersey
Edwin John Hicks
Lindsay Ann Histrop
Patrick Gabriel Joseph Hofbauer
Kenneth Gregory Hood
Laura Aileen Hopkins
Peter Frederick Cowan Howard
Dagny Lee Ingolfsrud
Marie Anne Irvine
Colin Samuel Jackson
Julie Ramona Ying Won Jai
John Timothy Jansen
Paul Sinclair Jarvis

David Peter Jebb
Bernardus Antonius Maria Jetten
William Elsworth Johnston
Rhys William Jones
Vernon Victor Kakoschke
Andromahi Rhea Karakatsanis
Elizabeth O'Leary Kari
Athanassios Karvanis
Robert William Peter Kemp-Welch
Andrew Henry Kerr
Joel Bensley Kerr
Ronald David Kimberley
Andrew George Robin Prior King
Charles William Daniel Kirby
David Allan Knight
Robert Korstanje
Joseph Stuart Koskie
Eric-Mark Kraushaar
Christopher Jan Kropka
Victoria Helen Laight
Heather Jeanne Laing
Christianne Mary Ruth Laizner
Patricia Ann Lalonde
Brian Nelson Lambie
Shelley Ann Lancaster
Daniel Marcel LeGault
Jacqueline Henriette Raymonde Le Saux
Joshua Clive Levy
Harold James Linscott
Richard Stanley Literovich
Brian William Livingston
Brian Edward Lucas
Ralph John Lutes
Alexander Robert Mackay
Peter Scott Maclean
Susan Carole MacLean
Karen Ann Malatest
James Anthony Manastersky
Jeffrey John Mansfield
Maurizio Marchioni
John Joseph Marinzel
Michael Alexander Markoff
Mary Alice Marshall
Mary Elizabeth Martin
Randy Michael Maruschak
Daniel Marc Mascioli
Ingrid Anita Matckars
Harald Albert Mattson
Debra Marlene McAllister
William Kenneth McCarter
David Roy McCaskill
Scott Howe McCormack
William John McCorriston
Conor Dermot Michael McCourt
Karen Elizabeth McCullough
Margaret Donna McDonald
Kevin Peter McElcheran
Mark Christopher McGaw
Christine Ada McGoey
Mark Alan McHughan
Heather Ruth McKean
Thomas Alexander McKee
Christopher Kevin McLoughlin
Kenneth Michael McLoughlin
Terence Alexander McNally
Kirk Ross McPherson
Paula Marie McPherson
Harold Ewen Walker McQuatty
Scott Douglas McTaggart
Robin de Breton Mecredy-Williams
Marie-France Eugénie Menc
David Esao Mende
Mario Merocchi
Michael Bradley Middleton
John Paul Millar
James Allan Millard
Bradley Miller
Clark William Rogers Miller
Charles Scott Milord
Robert Michael Minns
Amarnath Vivaswat Misir
Graeme George Mitchell
Marie Teresa Monti
Stephen Russell Moore
Robert Brown Morgan
Louise Elaine Morin
Heather Gail Morrison
Lucian Methier Morton
Joan Marie Mouland
Stephen Jeffrey Murdoch
Maureen Patricia Murphy
John Bradford Nixon
Kristina Maria Noolandi
John Nunziata
Timothy James O'Driscoll
Ismet Zeynep Onen
Patrick Hutchins Orr
William James Hartwell Ostrander
Joseph Pierre Ouellette
Margarida Maria Pacheco
Donald Gray Padgett
Robert Wayne Pakrul

Steven Michael Pankiw
John Locke Parker
Sandra Elizabeth Parrott
Antonio Pascale
Bradley Todd Pascoe
Paulene Catherine Pasieka
Margo Sharon Presse Peene
Paul Edward Pellettier
Gareth Perry
Deborah Johnson Petch
Stephen James Phillips
Craig Geoffrey Pinchen
Christopher Edward Pinnington
Frank Pizzitelli
Catherine Dawn Plaxton
Dale Rosa Winnifred Ponder
Christopher James Pratt
Richard Anthony Prendiville
Bruce Edmund Pugsley
Cosimo Racco
Marke Joel Raines
Janice Anne Ramdeholl
Karen Lynn Velanoff Ray
Michael Ross Raycraft
Mark Edward Raymond
Christopher Arnold Reid
John Joseph Reilly
Leslie Thomas Reissner
Gabrielle Maria Retterath
James Gregory Richards
Walter Eugenio Rigobon
Margaret Jane Roberts
Stephen Cyril Roberts
Blair Arthur Roblin
John David Rodenhurst
Susan Desiree Rogers
Christina Roncossek
Paul Felix Rooney
Robert Murray Rose
Robert Allan Ross
Richard Allen Row
Norman Edward Joseph Roy
Judith Patricia Ryan
David Warren Eugene Salmers
Bruce Michael Salvatore
Philip Paul Sanders
Wendy Elizabeth Sangster
Maria Teresia Rittich Satterfield
Gina Maria Scarcella
Stephen Joseph Scharbach
Ursula Scherfer
Brian Joseph Scott
Kathleen Sylvia Sellers
William Marlow Sharpe
Jarvis Gavin Sheridan
Peter Pavel Sibenik
Otto Robert Siebenmann
Frederic Scott Sievert
Antonio Signoroni
Janet Eleanor Sim
Douglas John Simpson
Terrence Wayne Simpson
Gary Allan Smith
John Osgoode Preserved Smith
Kevin Ralph Smith
Juris Andrejs Smolinskis
Christina Maria Sokulsky
Eleanor Florence Somerleigh
James William Spence
Sophia Ioanna Sperdakos
Anne Heather Stevens
Judy Elizabeth Stewart
Colin Blair Still
Mary Jane Stitt
David Gordon Stone
Peter William Strahlendorf
Stephen William Stuart
Lee Ann D'Arcy Sutherland
Susan Irene Swift
Norma Anneli Talvila
Pamela Jane Taylor
Sharon Ann Taylor
Michael David Templeton
Pamela Jane Thompson
Ronald Anthony Paul Thompson
William Andrew David Thompson
Douglas Ross Thomson
Paul Gordon Torrie
James Richard Trottier
Steven James Belton Trumper
Shirley Elizabeth Tulloch
Martin Edward Vamos
Dirk Cornelis Vanderbent
Timothy Craig Robert Vanular
Laurie Ann Vechter
Thomas Johann Jacob Vowinckel
Sandra Jean Wain
Cheryl Lee Waldrum
Deborah Lynn Walker
Michael Stanley Walker
Ronald James Walker
Elizabeth Frances Warshawski

David Gerrard Wentzell
Peter Caldwell West
Paul Wiebe
Brian Edward Williams
Michael Wolfram Winterstein
Harold Hamilton Wright
Leslie Ann Wright
Karen Gail Wristen
Margaret Chen Wen Yu
Giuseppe Zaffino
Agostino Zentil

Joseph Anthony Baker
Jane Alexandra Connon
Clinton Vernol Ellis
Shawn Bernard Flynn
Louis Bertram Fox
Mark Allan Bruce Frederick
Susan Margaret Gaitskell
George Washington Steven Harrington
Carla Anne McKague
Peter David Quance
Dennis Anthony Reardon
Peter Andrew Rekai
David Jose Martinho Rendeiro
Robert Arthur Robinson
Daniel Joseph Russell
Monica Milada Sliva
Carolyn Patricia Stobo
John Herman Wendell
John Marshall Wigle
William Henry Woo

TWENTY–SECOND BAR ADMISSION COURSE

CANDIDATES FOR CALL TO THE BAR

ON WEDNESDAY, 7TH APRIL, 1982

Bert Weir Fitchett
Barbara Joan Moody

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

....

CONVOCATION ADJOURNED AT 10:25 P.M.

....

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in Simcoe Hall with The Honourable Gregory T. Evans, Chief Justice of The High Court of Justice for Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of the High Court before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers and Solicitors.

. . . .

Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY

Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – London, Tuesday, 13th April, 1982
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon at the University Club of the Faculty of the University of Western Ontario in Somerville House, London, The Honourable T.G. Zuber, of The Court of Appeal for Ontario, and Mrs. Zuber; The Honourable Gregory T. Evans, Chief Justice of The High Court of Justice for Ontario; His Honour Judge M. H. Genest, Provincial Court (Family Division), Middlesex County; Mr. C. H. Reeves, Q.C., President, Middlesex Law Association, and Mrs. Reeves; Mr. G.W. Collins-Williams, Q.C., Director of Continuing Legal Education; Mr. S.R. Ellis, Q.C., Director of the Bar Admission Course; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course; and Mr. W.R. Buchner, Q.C., Assistant Director, Bar Admission Course, London, and Mrs. Buchner.

....

Following luncheon the Treasurer, the Benchers and their guests proceeded to the Althouse Faculty of Education for the Call to the Bar Ceremonies of the 114 candidates who had applied to be called on Tuesday, 13th April, 1982.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer (Mr. J.D. Bowlby) and Messrs. Carthy, Furlong, Guthrie, Mrs. Legge, Messrs. Lerner, McWilliams, Mesdames Sutherland and Tait, Messrs. Tobias and Yachetti.

The body of the auditorium was occupied by the 114 graduates, their families and friends.

....

ADDRESS

The Treasurer introduced The Honourable Thomas George Zuber, a Judge of The Court of Appeal for Ontario of The Supreme Court of Ontario, who addressed the graduates.

....

PRESENTATION OF AWARDS

Mr. G.W. Collins-Williams, Director of Legal Education (during the existence of the Twenty-third Bar Admission Course), presented the recipients of awards to the Treasurer.

The Treasurer presented the following prizes to the respective recipients:

The Giffen, Pensa Prize for the student attaining the highest marks at London:

Sydney Carl Symondson

The Beverly Genest Memorial Award for the student attaining the highest marks in Family Law at London:

Mary Kathryn McKerroll

The Benjamin Luxenberg Prize in Creditors' and Debtors' Rights:

Howard Sterling Wood

....

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 114 candidates for Call to the Bar as follows:

TWENTY–THIRD BAR ADMISSION COURSE 1981-82

CANDIDATES FOR CALL TO THE BAR

ON TUESDAY, 13TH APRIL, 1982

William Wilson Aitchison
Paul Alfred Bailey
Zdravko Ivan Bastasic
Geoffrey Alan Beasley
Julia Helen Beck
Wayne Jeffrey Beneteau
Natalino Bernardon
Peter Thornton Bishop
Florence Elizabeth Boody
Jelle Bosch
Kenneth John Brooks
Kenneth Gordon Bungay
Arthur John Campbell
Jay Anthony Carfagnini
John Thomas Clark
Kathleen Dora Hunter Corlett
Patrick Francis Crawford
Theodore Crljenica
Bradley Watson Davis
David Deluzio
Donna Marie Eansor
Joyce Heather Eaton
Gethin Brant Edward
Hope Roberta Jane Evenden
Robert Frederick Flake
Beverly Anne Ford
Warren Spencer Fullerton
Randall Pearson Gibson
William John Glover
Gordon Bruce Good
Kenneth Raymond Goodman
Andrew Duncan Grace
Mary Anne Haney
Pieter Heerema
Frederick Mark Holterman
Wendell Kirk James
John Gordon Jeffery
Jay Arnie Johnson
Martin Joldersma
Jeffrey Stewart Kafka
Mary-Ann Margurite Keefner
Elma Kimpel
George William King
Gabor Kocsis
Gail Marie Lamers
Wayne Ronald Lessard
Bryna Leznoff
Cornelis Lindhout
Edward Thomas Little
John Michael Longworth
William Timothy Lowes
Steven John Lubczuk
Stewart John MacDonald
Douglas Bruce MacKay
Nancy Ann Zima Magguilli
Melvin Malick
Victor Joseph Manica
Paul MacEwan Mason
Michael Charles Joseph McBride
Christopher Allan McCleave
Mary Margaret McCormick
John William McDonald
Shelley Ann Mustin McGill
John Thomas McGregor
Roberta Anne Maleszyk McIntyre
David James McKee
Mary Kathryn McKerroll
James Richard McLandress
Craig Francis McLean
James Rodney McLean
Malcolm Gordon McLeod
Margaret Anne McSorley
Leonard David Joseph Menard
Donald Douglas Merritt
Denis Gerard Joseph Morand
William Spencer Morrison
John Frederick Mullen
Joseph Andrew Nemet
John Roderick Nixon
Dennis Charles Nolan
Christine Anne O’Rourke
Anne Marie Kennedy Penney
Mark William Peters
Gary Lawrence Petker
John Philip Planz
Timothy Kuhen Power
Geralyn Margery Poynter
Timothy George Price

Andre Joseph Rady
Tadek George Reczulski
Vicki Janet Robson
Nathan Jerome Ross
Peter Ross
Mark Thomas Rush
Nora Mary Sanders
Ralph Adam Schaffner
Geoffrey MacDonald Smith
Richard William Snell
Norman Edwin Ebbs Speake
David Joseph Stoesser
Sydney Carl Symondson
Andras Szemenyei
Robert Mark Tar Bush
Karen Elizabeth Trimble
Elo Ann Tulving-Blais
Arnold Bernard Walker
Michael Bruce Wannop
John Bryan Whealen
Howard Sterling Wood
Mary Catherine Wyatt

Nancy Ellen Church
Mark Vincent Ellis
Donald Neil McCormick
Micheline Ava Rawlins

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

. . . .

CONVOCATION ADJOURNED AT 3:35 P.M.

. . . .

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the Althouse Faculty of Education with The Honourable Gregory T. Evans, Chief Justice of The High Court of Justice for Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of the High Court before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of the High Court then addressed the new Barristers and Solicitors.

. . . .

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the

Treasurer and Benchers at a reception in the Gymnasium in the Althouse Faculty of Education.

……

Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

RESUMED – Ottawa, Wednesday, 14th April, 1982
2:30 p.m.

Prior to Convocation the Treasurer and Benchers had as their guests for luncheon in the Opera Amphitheatre at the National Arts Centre, Ottawa, Mr. Gordon F. Henderson, Q.C.; The Honourable W.G.C. Howland, Chief Justice of Ontario; Mr. G.W. Collins-Williams, Q.C., Director of Continuing Legal Education; Mr. S.R. Ellis, Q.C., Director of the Bar Admission Course; Mrs. E. Rachael Knox, Assistant Director, Bar Admission Course; and Mr. J. Patrick Watson, Q.C., Assistant Director, Bar Admission Course, Ottawa.

....

Following luncheon the Treasurer, the Benchers and their guests, including Mrs. Gordon F. Henderson and Mr. Abraham Feinstein, President, Ottawa-Carleton Law Association, proceeded to the Theatre in the National Arts Centre for the Call to the Bar Ceremonies of the 133 candidates who had applied to be called on Wednesday, 14th April, 1982.

....

CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer (Mr. J.D. Bowlby) and Messrs. Barr, Brulé, Carthy, Cass, Chadwick, Chilcott, Farquharson, Ferrier, Furlong, Ground, Henderson, Mrs. Legge, Messrs. Mills, Ogilvie, Pepper, Scace, Mesdames Sutherland and Tait, Messrs. Willoughby and Yachetti.

The body of the auditorium was occupied by the 133 graduates, their families and friends.

....

CONFERRING OF HONORARY DEGREE

Mr. J. J. Carthy, Chairman of the Legal Education Committee, read the following Citation:

> Mr. Treasurer –
>
> It is my most pleasant duty to ask you to bestow upon Gordon Fripp Henderson the highest honour The Law Society of Upper Canada has to give.
>
> For almost forty-five years he has excelled in the practice of his chosen profession and gained an illustrious reputation before courts and tribunals throughout Canada and far beyond its borders.
>
> His success as an advocate is attributable not only to his extensive knowledge of the law and the persuasiveness that has become his hallmark, but as well to the energy and determination he brings to the championing of every suit and cause to which he commits himself. His remarkable skills, available unstintingly to those who seek his services, have also been devoted to charitable, cultural, educational and legal institutions which rely on his advice. His devotion to the national objectives of his profession resulted in his election to the office of President of the Canadian Bar Association.
>
> As a Bencher of the Law Society for the past sixteen years he has counselled the governing body on a wide range of important matters and, through his work on many committees, has helped chart the future course of the profession.
>
> He has earned renown in his profession and honour among his fellow citizens but none hold him in higher esteem than do the members of this Bench.
>
> He is deserving of the highest honour the Society can give and I request you, Sir, to confer upon Gordon Fripp Henderson the degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa upon Gordon Fripp Henderson, one of Her Majesty's Counsel learned in the law in Ontario.

....

ADDRESS

The Treasurer introduced Mr. Gordon F. Henderson, Q.C., who addressed the candidates.

....

PRESENTATION OF AWARDS

Mr. G. W. Collins-Williams, Director of Legal Education (during the existence of the Twenty-third Bar Admission Course), presented the recipient of awards to the Treasurer.

The Treasurer presented the following prizes to the recipient:

> The Gowling & Henderson Prize for the student attaining the highest marks at Ottawa; The Joseph Sedgwick, Q.C., Prize for Criminal Procedure; and The Vera L. Parsons Prize for Criminal Procedure:
>
> Peter Kevin Doody

. . . .

CALL TO THE BAR

Mrs. L. L. Legge, Chairman of the Admissions Committee, presented to the Treasurer 133 candidates for Call to the Bar as follows:

TWENTY–THIRD BAR ADMISSION COURSE 1981-82

CANDIDATES FOR CALL TO THE BAR
ON WEDNESDAY, 14TH APRIL, 1982

Lorne Hanan Abugov
Janet Mary Ames
Lajos Arki
Andre Pierre Aubry
Lorna Faye Baldwin
Craig Murray Bater
Peter Alan Becke
Leonard Michael Bellam
Mark Loren Berlin
Patrick Stephen Berrigan
Marie Rachel Rolande Boivin
Honor Patricia Mary Bolger
Margaret Anne Boudreau
Patrick Joseph Boyle
Rodger John Lewis Brennan
Christopher Paul Brett
Karen Lynne Bridge
James Philip Brown
Francis Herbert Buckley
Jirina Bulger
Paul Henry Caron
Joseph Marc Paul Colonnier
Barry Shane Corbin
Anne Curtis
Derek William Dagger
Agnes Segolene Lefas Daub
Paul Francis Charles Devlin
Lisa Judith Murray de Wilde
Martin Diegel
Peter Kevin Doody
Jane Elizabeth Dudley
Ross Charles Dumoulin
Mary Joy Dymond
Gillian Patricia Edelson
Joseph Henri Hector Emond
Ronald David Faggetter
Elaine Feldman
Richard Fiutowski
Curt Michael Flanagan
George Flumian
Jean Gerard Normand Andre Gagnon
Geoffrey Gavin Claude Grenville-Wood
Sally Fraser Griffin
Pamela Ann Harrod

Lynn Hjartarson
Susan Elizabeth Hodgson
Peter Thomas Hollinger
Joan Thelma Horte
Lynne Marguerite Hough
Richard Donald Hueston
Jane Margaret Ellen Humphreys
Nancy Lee Irving
Catherine Margaret Kane
Clarris Elizabeth Kelly
Loyola Gregory Keough
William David Keys
Gerard James Joseph Lalonde
James Stuart Lancaster
Mark Gregory LaRochelle
Deborah Ann Lavigne
David Geoffrey Law
Karen Lee LeVasseur
Brian Jerome Loreto
Gregory Cleveland Ludlow
Selma Monique Lussenburg
Edythe Irene MacDonald
Keith Alexander MacLaren
Anne Leys Mactavish
Arthur Louis Mandell
Sheryl Lee Manson
Karen Dawn Markham
Ernest Lindsay McArthur
John Patrick Lloyd McDermot
Douglas George Menzies
Judith Anne Millard
Marianne Kristine Miller
Michael Wayne Miller
Renate Maria Mohr
Anne Louisa Moxley
David Charles Nahwegahbow
Peter Earle Ness
Marie Christiane Louise Ouimet
Kimberley Ann Pegg
Patricia Jane Peppin
Joseph Marc Yves Perrier
Gregory Allan Piasetzki
Helen Mae Pierce
Howard Joel Polowin
Ronald Walter Price
James Andrew Pritchard
Sheila Gail Purdy
Joseph Marcel Fernand Racicot
Joseph Pierre Michel Ranger
Dana Leslie Rath
Joseph André François Yvon Renaud
James Ross Robertson
Paul Joseph Robichaud
Clare Rita Scullion
Joan Dianna Scullion
Gordon Emanuel Sheiner
John Robert Shipley
Jacques Jean Meor Shore
Marcus Jack Silverstone
Helen Vivian Simon
Timothy Joseph Sinnott
Edward Roy Sojonky
Roderick Will Arnold Sonley
Rosario Talarico
Elizabeth Anne Marie Thomas
Carey Bruce Thomson
Craig Ross Thomson
Tamra Lynn Thomson
Chantal Tie Ten Quee
Harold Toulch
Robert Edward Tourangeau
Gwynneth Mary Turner
Michael John Vechsler
Christine Walek
Rhona Lee Waxman
John Arthur Webster
Evelyn Anne Frances Wheeler
Linda Marlene Wilson
Howard Yegendorf
Margaret Joan Young
Charlene Carmella Zeagman

Hugh Patrick Brennan
Douglas Frank Caldwell
Gerard Ernest Lorenzo Guimond
Barbara Lynne Howard
Marie Warner LaForest
Janet Cecilia Ghislaine MacLellan
Andrew Hiram Robinson
Rose Boyko Wuerscher

The Treasurer conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of The Law Society of Upper Canada.

....

CONVOCATION ROSE AT 3:40 P.M.

....

Following Convocation a Special Sitting of The Supreme Court of Ontario was convened in the Theatre in the National Arts Centre with The Honourable W.G.C. Howland, Chief Justice of Ontario, presiding.

Mrs. Legge presented the candidates to the Chief Justice of Ontario before whom they took the usual oaths and acknowledged their signatures on the Rolls in the presence of the Court.

The Chief Justice of Ontario then addressed the new Barristers and Solicitors.

....

At the conclusion of the formal proceedings the new Barristers, their families and friends were entertained by the Treasurer and Benchers at a reception in the Foyer of the Theatre in the National Arts Centre.

....

Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 23rd April, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Affleck, Arthurs, Barr, Bragagnolo, Brulé, Bynoe, Carter, Carthy, Cass, Chadwick, Crane, Doran, Farquharson, Ferrier, Finlayson, Furlong, Ground, Guthrie, Henderson, Mrs. Legge, Messrs. Lerner, McWilliams, Mills, Noble, O'Brien, Ogilvie, Outerbridge, Pepper, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, Willoughby and Yachetti.

....

MINUTES

The Minutes of Convocation of 26th February, 1982 were confirmed.

....

NOMINATIONS FOR TREASURER

The Treasurer referred to Rule 19 made under The Law Society Act respecting the election of Treasurer.

The Secretary announced the names of those nominated for the office of Treasurer in alphabetical order, together with the names of those who nominated and seconded, as follows:

Nominee	*Proposed by*	*Seconded by*
John D. Bowlby of Hamilton	Pierre Genest	Patrick G. Furlong
James J. Carthy of Toronto	Edwin Alan Goodman	Ian W. Outerbridge
Gordon H.T. Farquharson of Peterborough	Peter McWilliams	Brendan O'Brien
P. Barry C. Pepper of Toronto	Brendan O'Brien	Gordon H.T. Farquharson

....

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Mrs. Laura L. Legge (Chairman), Messrs. Cass, Ferrier and Mrs. Sutherland.

POLICY

THE ONTARIO CROWN ATTORNEY'S ASSOCIATION PROJECT INTERPROVINCIAL CROWN EXCHANGE

A letter was received from The Ontario Crown Attorney's Association outlining a proposed scheme of interprovincial exchanges of Crown Attorneys. The scheme would require the Law Society's co-operation in admitting exchange counsel to the Bar.

The Committee proposes to write to The Ontario Crown Attorney's Association indicating that although the Committee agrees in principle with the concept, the practical problems in implementing such a programme extend beyond allowing Crown Attorneys such privileges. The proposal would require legislative changes in Ontario and probably throughout the other provinces.

ADMINISTRATION

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special – Regulation 5

The following candidates, having filed the necessary papers, paid the required fee of $200 and complied with the requirements of Regulation 5 in their particular cases, were entitled to be called to the Bar and to be granted Certificates of Fitness:

Christopher Arnold	Faculty of Law University of Windsor
Terence George Ison	Osgoode Hall Law School of York University

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further 19 candidates, having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 24th Bar Admission Course.

Approved

DIRECT TRANSFER

The Committee considered and approved three applications for transfer to practice in Ontario from members of the Bars of British Columbia, Manitoba and New Brunswick respectively. All three sought to proceed under Regulation 4(1).

DIRECT TRANSFER FROM QUEBEC

The Committee considered and approved two applications for transfer to practice in Ontario from two members of the Quebec Bar, both of whom sought to proceed under Regulation 4(2).

THE REPORT WAS ADOPTED

……….

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Christopher Arnold
Terence George Ison

……….

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the

Legal Education Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Mr. J. J. Carthy (Chairman), Messrs. Arthurs, Brulé, Ferrier, Ground, Noble, Outerbridge, Scace, Shibley and Mrs. Tait.

POLICY

EDITING PROJECT

The Director of the Bar Admission Course and the Director of Continuing Legal Education joined in recommending experimenting on a pilot project basis with the professional editing of a select piece of Bar Admission Course material with a view to coming to a better understanding of what would be involved in producing Bar Admission Course materials edited to a standard suitable for distribution to the profession at large, in a loose-leaf format.

The Legal Education and Continuing Legal Education Committees have established a Joint Sub-Committee to enquire further into the project.

BAR ADMISSION COURSE LIBRARY

The Director of the Bar Admission Course recommended that the Bar Admission Course Library be dispensed with, the space to be retained as a study room.

It was felt that there was not sufficient utilization of or need for the library resources to warrant the expenditure needed to maintain the library. The materials given to the students in the Bar Admission Course are comprehensive and they have no need for other reference material. The numbers of students at Toronto also make the assignment of library research or reading impracticable.

The Committee does not wish to maintain the Student Library and recommended that it be deleted from the Legal Education Committee's budget, and that the library space be retained as a study room.

STUDY OF COMPUTER TECHNOLOGY AND LEGAL EDUCATION

The Director recommended the expenditure of $2,000 on a study of the current state of the art of computer technology for legal education purposes, and of the possible potential for utilizing computer technology in the Bar Admission Course context.

Approved

ADMINISTRATION

BAR ADMISSION COURSE SALARIES

The Director of the Bar Admission Course proposed the establishment of two new positions for the 1982-83 fiscal year:

(a) Co-Ordinator of Admissions
(b) Assistant to Director's Secretary

Approved

DRAFT TIMETABLES

The Committee had before it a draft timetable for the coming year.

The Director is to report further on the timetable at the Committee's meeting in May.

The Committee objected to the granting of a holiday on 11th November, 1982, as it seriously disrupts the Bar Admission Course schedule. It was decided that Bar Admission Course staff be given a day off at a more convenient time in lieu of Remembrance Day. It was also decided that the Bar Admission Course would be open on 3rd January, 1983, and that the Bar Admission Course staff take 31st December, 1982, in lieu.

GEORGE W. COLLINS–WILLIAMS, Q.C. DIRECTOR, BAR ADMISSION COURSE 1975–82

The Committee recorded its gratitude to Mr. Collins-Williams for the service he has rendered to the Committee in regard to the Bar Admission Course since 1975, and for the contribution he has made to the Bar Admission Course itself.

THE REPORT WAS ADOPTED

. . . .

FINANCE COMMITTEE—Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Scace (Vice-Chairman), Brulé, Chilcott, Guthrie, Ogilvie, Shaffer and Tebbutt.

ADMINISTRATION

TELEPHONE

The Society's telephone system is inadequate for present needs. Rather than expand the present system, it is recommended that a totally new system be installed.

New systems are available from several sources and may be purchased or leased. Leasing is not recommended because of high rates of interest. Purchasing has the added advantage of fixing part of the costs (hardware) so that inflation will affect only that part of the costs which relates to maintenance and line charges.

Proposals have been received from two suppliers as follows:

Bell Canada – Northern Telecom SL–1	$94,903.45
Transtel – Mitel SX – 200	98,156.00

A third quotation has been requested but not yet received.

Of the two quotations received, the Bell proposal appears to fit the Society's needs more closely and allows for future expansion.

The Committee recommended that allowance be made for the purchase of a system in the 1982/83 estimates and that the Chairman and Under Treasurer be authorized to approve the selection of the supplier and the equipment, provided the cost does not exceed $100,000.

USE OF PREMISES

(a) The Trustees of The Law Foundation of Ontario requested permission to use the Benchers' Dining Room and Convocation Room on Monday, August 30, 1982, for the Annual Meeting of the Canadian Law Foundations.

(b) The Canadian Bar Association requested the use of the two large lecture halls in Bar Admission Course space on Thursday, April 29, 1982, for the Annual Institute on Continuing Legal Education.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Law Library Grants

The Committee had before it a memorandum listing those law associations that had sent in their Annual Returns for 1981 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1981 and 1982. The Libraries and Reporting Committee approved these grants at its meeting on 8th April, 1982, subject to the approval of this Committee.

Approved

NON–PAYMENT OF ANNUAL FEES

In February 1982, the Finance Committee recommended to Convocation that a number of members be suspended for non-payment of 1981-82 annual fees. One member, Joseph Aurele Robert McConnell, of Charlottetown, promised to mail a cheque in time to avoid suspension and his name was removed from the list.

Mr. McConnell failed to keep his promose and it is recommended that his rights and privileges be suspended by Convocation on 23rd April 1982.

Approved

See motion, p. 183.

LIFE MEMBERS

Pursuant to Rule 49, the following member was eligible to become a Life Member of the Society, effective the 21st of April, 1982:

Walter Ernest Telfer	Toronto

Approved

MEMBERSHIP RESTORED

(a) The Honourable *Edson Livingston Haines,* Q.C., gave notice under Section 31 that he had retired as a Judge of the Supreme Court of Ontario on 26th March 1982 and wished to be restored to the Rolls of the Law Society. Accordingly, his membership was restored effective 27th March 1982. Mr. Haines was entitled to Life Membership in the Society, having been called to the Bar on 18th September 1930.

(b) The Honourable *Hugh Francis Gibson* gave notice under Section 31 that he had retired as a Judge of the Federal Court of Canada on 14th December 1981 and wished to be restored to the Rolls of the Law Society. Accordingly, his membership was restored effective 1st April 1982.

(c) His Honour *Thomas Lyons Docherty* gave notice under Section 31 that he had resigned as a Judge of the Provincial Court, Family Division, in Windsor, Ontario on 1st February 1982 and wished to be restored to the Rolls of The Law Society. Accordingly, his membership was restored effective 1st April 1982.

Approved

CHANGE OF NAME

The following member requested that her name be changed on the rolls of the Society and submitted the required documentation:

From	*To*
Susan Toba Krongold Schechtman	Susan Toba *Krongold* (Maiden Name)

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following member who is sixty-five years of age and fully retired from the practice of law requested permission to continue his membership in the Society without payment of annual fees:

James Somerville Brown, Q.C.	Toronto

Approved

EMPLOYEE PENSION PLAN

The Committee had previously considered two recommendations regarding the employees' pension plan. The first of these was an amendment to the plan which would raise the maximum pension payable under the plan to the current maximum permitted by the Income Tax Act. The second was to make an ad hoc adjustment to existing pensions which would provide partial compensation for the effects of inflation after retirement.

Both the suggestions would involve part of the surplus in the plan which arose from the Actuarial Valuation as at 31st December 1980. Actual figures are:

Plan Surplus	$513,427
Increase in maximum pension (from $1,143 p.a. for each year of service to $1,715 p.a. for each year of service)	$218,245
Adjustment to existing pensions (6% for each year of retirement)	$ 60,024

The first recommendation also increases the Society's annual contribution to the plan by $32,650 of which $13,060 is payable from General Funds and the remainder by The Ontario Legal Aid Plan.

Approved

INFORMATION

ROLLS AND RECORDS

(a) Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Pierre Mercier Ottawa	Called – 25 June 1953 Appointed County Court Judge Judicial District of Ottawa-Carleton – 25 February 1982
Geoffrey Leigh Bladon London	Called – 17 March 1967 Appointed Territorial Court Judge Yukon Territory – 15 March 1982
Samuel Goodman Zaltz Brantford	Called – 17 March 1967 Appointed Provincial Court Judge, Family Division, County of Essex – 15 March 1982

(b) Deaths

The following members have died:

Oscar Anthony Joseph Fonseca Toronto	Called – 19 March 1970 Died – 18 March 1982
Clarence Clifford Baker, Q.C. Ottawa (Life Member)	Called – 11 September 1924 Died – 13 November 1981
Leslie Valentine Balogh Halifax	Called – 25 January 1946 Died – 12 December 1981
William Struan Robertson, Q.C. Toronto	Called – 16 September 1948 Died – 11 March 1982
Robert Philip Horton, Q.C. Owen Sound	Called – 20 June 1940 Died – 14 March 1982
John Keith Henry, Q.C. Toronto (Life Member)	Called – 19 November 1925 Died – 24 February 1982
Frank Hamilton Little, Q.C. Thorndale	Called – 26 July 1928 Died – 6 March 1982

(c) Disbarments

The following members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

John Errol Farr, Q.C. Orillia	Called – 26 March 1966 Disbarred – Convocation 19 March 1982
Norman Aaron Mintzer Toronto	Called – 25 June 1959 Disbarred – Convocation 19 March 1982

(d) Permission to Resign (Discipline)

The following member has been granted permission to resign and his name has been struck off the rolls and removed from the rolls and records of the Society:

Eric Harvey Palmer Hamilton	Called – 28 June 1956 Permission to Resign – Convocation 19th March 1982

THE REPORT WAS ADOPTED

. . . .

MOTION TO SUSPEND: ARREARS OF ANNUAL FEES 1981/82

It was moved, seconded and *carried* that the Barrister and Solicitor whose name appears below and who has not paid his 1981/82 annual fees and compensation fund levy be suspended from practice for a period of one year from this date and from year to year thereafter, or until his fees are paid:

Joseph Aurele Robert McConnell	Charlottetown

. . . .

APPOINTMENT OF REPRESENTATIVE TO CHIEF JUSTICE'S COMMITTEE OF BENCH AND BAR

The Treasurer announced that he had appointed Mr. *Peter A. Mills* as one of the Society's representatives on the Chief Justice's Committee of Bench and Bar to fill the vacancy caused by the elevation of The Honourable Mr. Justice J.G.M. White to The High Court of Justice for Ontario.

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Ground (Chairman), McWilliams, Outerbridge, Ruby, Strauss and Mrs. Sutherland.

ADMINISTRATION

REVISION OF THE RULES OF PROFESSIONAL CONDUCT

The Committee discussed a suggestion that the Rules of Professional Conduct need some revision. The Committee decided that the Society should approach Mark Orkin, Q.C. and that he be asked to estimate how much time and cost would be involved in revising the language of the Rules to clarify the meaning and remove inconsistencies. It is not intended that this revision will result in substantive changes but that it be confined to editorial changes.

THE PROPOSED NEW RULE ON LAW CLERKS

A detailed synopsis of the 150 responses to the proposed new Rule (which were received between November and March), is just being finalized and will shortly be sent to the Sub-Committee members. The Sub-Committee hopes to report at the May meeting but this may have to go over to the June meeting.

THE REPORT WAS ADOPTED

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CONTINUING LEGAL EDUCATION–Mr. Ferrier

Mr. L. K. Ferrier, Chairman, presented the Report of the Continuing Legal Education Committee of its meeting on Thursday, 8th April, 1982, and earlier meetings.

The Committee met on the following dates and times with the following members being present:

Friday, March 19, 1982 at 7:30 a.m.	Messrs. Ferrier (Chairman), Lerner, Outerbridge, Mrs. Tait and Mr. Wardlaw. Mr. Collins-Williams was also present.

Friday, April 6, 1982 at 7:30 a.m.	Messrs. Ferrier (Chairman), Crane, Goodman, Noble, Outerbridge, Shibley, Mrs. Tait and Mr. Wardlaw. Mr. Collins-Williams was also present.
Thursday, April 8, 1982 at 11:00 a.m.	Messrs. Ferrier (Chairman), Barr, Crane, Outerbridge, Shibley, Mrs. Tait and Mr. Wardlaw. Mr. Collins-Williams was also present.

ADMINISTRATION

CONTINUING LEGAL EDUCATION OFFICES RENOVATIONS AND FURNISHINGS

The offices of the Department of Continuing Legal Education will be moved to the legal education wing of Osgoode Hall on the second floor along the north wall in rooms 231, 232, 233 and 234. The architect's sketch was available for consideration. A copy of a letter dated April 6, 1982 written by Mr. Arthur Heeney to the Society fixes the estimated cost of this work, less furnishings, including carpets and drapes, in the amount of $105,000. Based upon figures given by the Director of Finance, the Director has estimated cost of furnishings and equipment at $35,000. The Committee appointed Mr. Shibley to meet with the architect to review the sketch and discuss whether there is any other feasible way of dividing the space so as to reduce the cost of construction.

INFORMATION

TELEVISED PROGRAMMES

The Committee at its April 8, 1982 meeting was visited by Dean Philip Slayton and Associate Dean Richard McLaren from the Faculty of Law of the University of Western Ontario. A discussion was held concerning a programme known as "Telehealth", presently in the experimental stage at the University of Western Ontario. In co-operation with the Provincial Ministry of Health, the Faculty of Medicine at the University hopes to establish two-way television programming in continuing education. The Faculty of Law intends to experiment by using such facilities in continuing legal education. The Chairman and Vice-Chairman of the Committee will be acting as a liaison between the Continuing Legal Education Committee and the University of Western Ontario to keep the Committee informed of developments.

SUB–COMMITTEES

The following sub-committees and their members have been established for the purposes enumerated:

(a) Programme Development: Mr. Crane is the Chairman and the members of his sub-committee are Messrs. Collins-Williams, Outerbridge, Shibley and Wardlaw. This sub-committee is to make policy recommendations concerning how programming needs should be met, how ideas for programme content should be generated, the format development, administration and quality control of programmes.

(b) Publications: Messrs. Outerbridge and Goodman will head this sub-committee. The purpose of this sub-committee is to firstly establish a philosophy as to the aims and objectives concerning publications. The sub-committee shall also review the following areas: "profits" from publications of books, tendering for printing and marketing, royalty and copyright considerations. This sub-committee will consider retaining a publications consultant. A joint committee will be established with members of the Legal Education Committee to consider publication of Bar Admission Course materials.

LAW–NET

The Committee has under consideration the validity of a law-net audio delivery system for Continuing Legal Education and will report further in due course.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE–
Mr. Farquharson

Mr. G.H.T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Farquharson (Chairman), Shaffer (Vice-Chairman), Carthy, Crane, Mills and Mrs. Tait. Messrs. G. Howell, R. Ellis and D.V. Burnett were also present.

ADMINISTRATION

REPORTING – CANADA LAW BOOK LIMITED BUTTERWORTHS – DATA BASE

The Secretary reported that counsel for the Society is drafting a letter to be sent to the above companies asking what financial terms the companies are willing to make with the Society.

AMERICAN ASSOCIATION OF LAW LIBRARIES (A.A.L.L.) CONVENTION

Permission was sought for the Chief Librarian and 2 Librarians to attend the annual convention being held in Detroit, Michigan from Sunday, June 13, to Wednesday, June 16, 1982. This is the same number as attended the conference last year in Washington, D.C. The Committee recommended that permission be granted.

COUNTY AND DISTRICT LAW LIBRARIES ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for 1981. The amounts of the grants which they should receive under the Regulation in 1982 and those that they received in 1981 are as follows:

	1982	*1981*
Bruce	$1,810	$1,635
Brant	2,000	2,000
Cochrane	2,000	2,000
Dufferin	1,215	1,320
Elgin	2,000	1,880
Haldimand	935	935
Kenora	1,495	1,160
Leeds and Grenville	1,495	1,460
Perth	1,740	1,775
Simcoe	2,000	2,000
Welland	2,000	2,000
York	3,500	3,500

Approved, subject to the approval of the Finance Committee.

CONSOLIDATED INDEX FOR ONTARIO REPORTS

The Secretary reported that a letter was received by J. Douglas Crane, Q.C. from His Honour Judge Stanley Kurisko concerning the preparation of a consolidated index of the Ontario Reports. The Secretary was instructed to write letters to Canada Law Book Limited and Butterworths concerning the publication of a consolidated index for the Ontario Reports.

INFORMATION

GIFTS AND DONATIONS

The Committee noted that the following gifts and donations had been received by the Great Library:

Sagar Chand Jain	The law relating to marriage and divorce by S.C. Jain
Wellington Law Association	Canada Gazette 1950-69 Ontario Gazette 1951-72

BOOK LIST

A list of 20 new acquisitions by the Great Library was approved.

ONTARIO REPORTS PROVINCIAL COURT JUDGES

The Secretary reported that it has been the Society's practice to supply County Court Judges and Judges of the Supreme Court of Ontario with copies of the Ontario Reports without charge. These persons, of whom there are nearly 300, are members whose membership in the Law Society has been placed in abeyance. On the other hand, Provincial Court Judges have not been supplied with Ontario Reports. If they wish to acquire them they have to take out a private subscription. This has often been the subject of some contention by the Provincial Court Judges who feel that they are as much entitled to receive them as Judges of the other courts. The Committee recommended that all Judges be treated the same way by the Society, that the practice of supplying Ontario Reports free of charge to Supreme and County Court judges be terminated as at December 31st, 1982, and that the Society advise the Chief

Justices and Chief Judges of the reasons for this decision well in advance.

PHOTOCOPIERS FOR COUNTY AND DISTRICT LAW LIBRARIES

The Secretary reported that Mr. Crane had contacted the Attorney General, The Honourable R. Roy McMurtry, Q.C., to arrange a meeting to discuss the Law Society's application for payment of 47 photocopiers for the 47 County and District law libraries in Ontario.

REPORTING – ONTARIO REPORTS COPYRIGHT

The Secretary reported that he had received a letter from James P. Dube, counsel for the Law Society, indicating that he had received a reply from Mr. Dupont of Law Library Microform Consortium, in which he requested that Mr. Dube clarify the Society's claim to copyright. The Secretary was instructed to provide counsel for the Law Society with the information he had requested.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. R. C. Bragagnolo, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 11th March, 1982.

The following members were present: Messrs. Chilcott (Chairman), Bragagnolo (Vice-Chairman), Furlong, Mills and Strauss.

ADMINISTRATION

1. Three accounts were approved.

2. Seven letters were before the Committee. Five dealt with matters of a routine nature and the appropriate instructions were given to the Secretary. One letter from a solicitor outlined a title insurance company's plan to commence business in

Ontario, and the Secretary was instructed to obtain further information and circulate it to Committee members before the next meeting. One letter from another solicitor concerned receipt of a form letter indicating that standard form contracts could be purchased at a substantial saving from a solicitor's fee, and the Secretary was instructed to write to the company and express the Society's concern that the standard form contracts might be a breach of Section 50(1) of The Law Society Act.

3. The Secretary reported that a Legal Aid Clinic which has been approved by the Clinic Funding Committee of the Ontario Legal Aid Plan requested the Society's approval of the corporate name and objects. The Chairman reported that he had sent copies of the material to the Chairman of the Clinic Funding Committee and the Chairman of the Professional Conduct Committee. The matter was deferred until the next meeting.

THE REPORT WAS ADOPTED

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Mr. Bragagnolo presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Chilcott (Chairman), Furlong, McWilliams, Mills, Shaffer and Strauss.

ADMINISTRATION

1. One account of an investigator was approved.

2. The Committee had six letters before it. One was routine in nature and the Secretary was instructed to reply to it. Consideration of another was deferred pending receipt of further information. The circumstances that gave rise to the remaining four letters and the Committee's instructions with respect to them are as follows.

A solicitor complained that a law clerk had appeared in County Court to adjourn a matter to a date for trial. The Secretary was instructed to write to the solicitor employing the law clerk and explain the Society's rules concerning law clerks and to write to the complainant informing of this action.

A solicitor reported that a Legal Aid clinic was making application for Letters of Administration in an estate. The Secretary was instructed to write to the Legal Aid Committee and to the Clinic Funding Committee of the Legal Aid Plan complaining that this clinic appears to be doing solicitor's work, requesting that the matter be investigated and, due to several previous complaints which this Committee had forwarded to them, indicating the urgency of the matter.

A correspondent reported that a company was soliciting legal business by writing to companies that are involved in litigation. The Secretary was instructed to write to the company that a complaint had been received and request that the words "legal matters" be deleted from the company's letterhead.

Another correspondent complained that a solicitor under suspension for non-payment of fees was purporting to act in a real estate transaction. The Secretary was instructed to refer this matter to an investigator to find out if the suspended solicitor is practising law.

THE REPORT WAS ADOPTED

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PUBLIC INFORMATION COMMITTEE–Mr. Doran

Mr. A. B. Doran, Chairman, presented the Report of the Public Information Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Doran (Chairman), Outerbridge (Vice-Chairman), Ground, Ogilvie and Yachetti.

POLICY

LAWYER REFERRAL SERVICE

(a) Reporting

The Under Treasurer approved a change whereby the

Lawyer Referral Service reports for administrative matters through Senior Counsel Discipline. It was recommended that for program matters, the service report through the Information Officer to the Public Information Committee. This will allow a close co-ordination between Lawyer Referral and the proposed Dial-Law Program and provide a structured reporting line for the Lawyer Referral Service.

(b) Advertising

At present the Lawyer Referral Service is included in a general Law Society advertisement in the Yellow Pages. That advertisement also refers to choosing a lawyer, legal fees and Legal Aid. It was recommended that the Lawyer Referral Service be given a separate advertisement in the Yellow Pages. The cost for such an advertisement would be between $7,000–$13,000 depending upon size. There will still be mention of the Lawyer Referral Service in the general Law Society advertisement.

(c) Fees

The current fee for a one half hour consultation is $10. This was established in 1970. It was recommended that the fee payable to lawyers for a one half hour consultation be increased to $20 per half hour.

(d) Funding

At present the Lawyer Referral Service is funded wholly by the Law Society at a cost of $80,000. In other jurisdictions, Lawyer Referral Services receive assistance from provincial Law Foundations and it was recommended that the Society explore the possibility of obtaining funding from The Law Foundation of Ontario.

(e) Liability

Concern had been expressed that the Society through its maintenance of "stated preference" panels is warranting the competence of lawyers on those panels. It was suggested that the Society should obtain a legal opinion in regard to its liability in this area. After some discussion the Committee was of the opinion that such an opinion was unnecessary.

ADMINISTRATION

DIAL–LAW

Convocation in November 1981, approved in principle the establishment of a Dial-Law program in Ontario. The approval was subject to a budget being prepared and passed by the Finance Committee for the 1982-1983 fiscal year.

The Committee had before it a report on the operation of the program and a proposed budget. The budget is to be redrawn following discussions with the Director of Finance in regard to space and staff requirements.

TELEVISION AND RADIO APPEARANCES

In November 1981, Convocation approved in principle a proposal that members of the profession make appearances on as many radio and television stations in Ontario as possible to both bolster the image of the profession and provide information about services members of the profession could render to the public.

Subsequently, a proposal was received from a former C.B.C. researcher and writer in regard to scheduling such meetings. The researcher would act as a consultant in arranging interviews on radio and television stations throughout the Province. She has compiled information on programs broadcasted by the 32 television stations and 134 radio stations in Ontario which would allow her to match members of the profession with the right program.

The Chairman and Vice-Chairman are to meet with the researcher and report back to the Committee.

DISCIPLINE PUBLICITY

The recent C.B.C. Fifth Estate program illustrates the media's and the public's concern about the growing number of lawyers disbarred for misappropriation of clients' funds. Due to the increased efficiency with which the discipline process is now operating, to date, in 1982, Convocation has disbarred 7 lawyers and allowed 2 others to resign.

At present the Law Society, following Convocation, issues a short notice to the press setting out the disbarred lawyer's name and a brief statement as to the nature of the professional misconduct, i.e., he misappropriated $20,000 of clients' funds. It was felt that some effort should be made to place the Society in a more positive light and the Information Officer has been requested to formulate a proposal for submission to the Committee.

LAW SOCIETY PAMPHLETS

Preliminary work has almost been completed on the revisions to the five Law Society pamphlets. Quotes have been obtained from three printers. Three graphic artists have submitted preliminary ideas for the pamphlet covers. Four of the five pamphlets have been reviewed for text changes and approved by Peter Tobias, Q.C. and one pamphlet (still one of the four) was also reviewed by Donald Lamont, Q.C. One pamphlet "Know Your Lawyer" is to be reviewed.

Printing quotes indicate it will be cheaper in the long run for the Society to print 100,000 of all save the "Partnership" pamphlet and that one to be printed in a 50,000 quantity.

Distribution plans (Supermarket Information Network) and printing plans were approved in principle by Convocation in November, 1981 at an estimated cost in the coming fiscal year of between $27,000–$30,000. Based on quotes now received, the cost will be at the $30,000 level.

INFORMATION

NEWS RELEASES

In December, 1981 the Information Officer issued a news release concerning the appointment of Stephen Sherriff and John Beaufoy to the Society's staff. The information in the Release was printed in Toronto (Star), Welland, Chatham, Thunder Bay and Calgary.

In February, 1982 a news release was issued with respect to the 150th Anniversary of Osgoode Hall. Stories and pictures appeared in The Globe and Mail and the Toronto Star.

MEDIA RELATIONS

In addition to daily contact with members of the media, the Information Officer, after the shooting of Oscar Fonseca, contacted all major Toronto media to supply them with the names of members of the profession who knew Mr. Fonseca and who could provide the media with suitable comments on his standing in the legal and the general community.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE–Mr. Brulé

Mr. J. A. Brulé, Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Brulé (Chairman), Barr, Doran, Farquharson, Noble, Tebbutt and Wardlaw. Messrs. Hargraft, Forbes and Marshall were also present.

ADMINISTRATION

E & O FUND – COUNSEL
FORM OF ACCOUNTS AND RETAINERS

On 11th March, 1982, the Committee recommended approval of the forms embodied in the guidelines for solicitors' fee accounts as Schedules "A", "B", and "C". Convocation, however, returned them to the Committee for further consideration.

The Committee recommended that, having reconsidered the matter in the light of the discussion at Convocation, approval be given now of the letter of instruction submitted with this report.

Convocation directed that this item stand for one month.

DEDUCTIBLES

In March of 1976 the insured was asked by the Provincial Bank of Canada to provide independent legal advice to a wife who had signed a guarantee being given by husband and wife regarding a line of credit extended to a businesss they operate.

In the spring of 1977 an additional line of credit was granted and again the insured provided independent legal advice. In the second case he also prepared mortgage documents. Subsequently, the bank claimed under the guarantees, the wife sued the bank alleging that she did not understand what she was signing, and the bank third partied the insured. Eventually, settlement was reached between the bank and its clients with no payment other than defence costs which totalled close to $30,000.

The Committee was asked whether there should be two deductibles or one. It might be considered that the second independent advice was an extension of the first. Had the allegation been negligence in the preparation of the mortgage, there would only be one claim and one deductible.

The Committee was of the view that there was only one occurrence and so only one deductible.

PAYMENT OF COUNSEL'S ACCOUNT

The Committee was asked to approve payment of counsel's account in the amount of $1,139.80 which is outstanding under the Lloyds policy. Counsel undertook to defend an insured (now a Judge) under the terms of the policy who refused to pay the account under his deductible.

The Committee recommended that counsel's account be paid and that Maltmans be asked for a report on the insured's reasons for refusing to pay.

PRACTICE ADVISORY SERVICE

The Director's Report for March 1982 was approved by the Committee.

INFORMATION

COUNSEL FEES

A list of counsel fees paid in March 1982 was before the Committee. The totals were noted as follows:

Fund Year	*Amount Paid*	
1978	$ 4,383.42	
1979	$ 3,595.73	
1980	$ 7,825.31	
1981	$27,912.73	
1982	$ 1,203.85	$ 44,921.04

ADJUSTERS' FEES

A list of fees paid in March 1982 was before the Committee. The totals were noted as follows:

Fund Year	*Amount Paid*	
1977	$ 1,162.50	
1978	$ 4,093.35	
1979	$16,197.50	
1980	$17,849.04	
1981	$59,833.30	
1982	$ 911.83	
Old Fund	$ 1,243.02	$101,290.54

MONTHLY REPORT

Mr. Hargraft's Monthly Report for March 1982 was before the Committee. Totals of claims including defence costs paid in March 1982 were noted as follows:

Fund Year	*Claim and Defence Payments*	*Deductible Received*	*Stop Loss Recovery*	*Net Cost to Society*
1977	$4,000.00	$2,924.75		$1,075.25
1978	$95,957.45	$14,586.31	$205,414.47	($124,043.33)
1979	$173,261.83	$49,982.92		$123,278.91
1980	$86,757.62	$38,565.56		$48,192.06
1981	$126,428.73	$34,577.24		$91,851.49
1982	0	$5,000.00		($5,000.00)
	$486,405.63[2]	$145,636.78[3]	$205,414.47	$351,051.25

[2] of this amount $136,643.81 is the deductible portion ($5,598.41 not collectible)

[3] of this amount, $71,441.82 follows the December, January and February demand letters

THE FIRST ITEM HAVING BEEN DIRECTED TO STAND

THE REMAINDER OF THE REPORT WAS ADOPTED

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COMPENSATION FUND COMMITTEE – Mr. Ogilvie

Mr. Noel Ogilvie, Chairman, presented the Report of the Compensation Fund Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Ogilvie (Chairman), Scace (Vice-Chairman), Chilcott and Noble.

POLICY

1. The legal opinion of Brendan O'Brien, Q.C., concerning the speeding up of the processing of Compensation Fund claims was before the Committee. The Committee recommended that Mr. O'Brien's opinion be implemented. *(See opinion, p. 199.)*

2. The Committee was asked to consider the appointment of several benchers to review the General Guidelines for the Compensation Fund and especially the definition of solicitor/client relationship. The Committee recommended that Messrs. O'Brien and Strauss be asked to review the General Guidelines.

ADMINISTRATION

1. The Secretary submitted a copy of Mr. Harry Stinton's report of his analysis of the Compensation Fund claims to December 31st, 1981. The Secretary was instructed to obtain some material from R.L. Anderson, Chief Investigative Auditor, and defer this matter until the May meeting.

2. The Committee approved two Referee's Reports as follows: (i) B.W. Grossberg, Q.C., re Robert Stoangi; (ii) J. S. Boeckh, Q.C., re Eric S. Colbert.

3. The Secretary reported that he had asked the Society's insurance brokers, Marsh & McLennan, to submit a proposal as to the coverage, premium and the amount of the deductible for insuring the Society's Compensation Fund based on the experience of the Fund over the last five years. This pertains to possible catastrophic claims against the Fund only.

4. The Secretary reported that he had received a proposal from a firm of solicitors representing an insurance broker offering insurance to members of the Society to cover a possible loss as the result of being liable as an innocent partner of a solicitor that had misappropriated trust funds. The Committee recommended that this matter be left to the individual solicitors and

firms as to whether they wish to purchase this type of insurance.

5. One account of counsel was approved.

INFORMATION

1. The Secretary reported that he approved accounts totalling $2,770.26, during the month of March.

2. The Committee considered the Compensation Fund Summary for the nine-month period ended March 31st, 1982 and noted that the claims received in March amounted to $852,559.66.

Set out below are some details contained in the said Summary:

COMPENSATION FUND

For the Period from 1st July, 1981 to 31st March, 1982

(9 months)

TOTAL RECEIPTS	$ 1,725,119.94
TOTAL DISBURSEMENTS	$ 269,280.97
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 1,455,838.97
BALANCE OF FUND at beginning of period	$ 2,242,068.09
BALANCE OF FUND at end of period	$ 3,697,907.06
CLAIMS RECEIVED and in the course of being processed at end of period	$19,779,644.45

3. The number of claims outstanding as at June 30th, 1982 was 470 with an aggregate value of $13,429,822. The claims heard between July 1st, 1981 and March 31st, 1982 are 162 with an aggregate total value of $3,759,576.00. 436 claims of an aggregate total of $16,275,632.81 are outstanding and yet to be heard.

ATTACHMENT:

Letter of opinion, dated 12th March, 1982, from Brendan O'Brien, Q.C., to The Law Society of Upper Canada, to the attention of Mr. Peter Bell, Assistant Secretary, as follows:

Dear Sirs:

Re: Compensation Fund

I acknowledge yours of March 9th with enclosure.

The provisions of the Act relating to the Compensation Fund are all contained in Section 51 of the Act. The provisions respecting discipline proceedings are contained in Section 33 to 49. These provisions are separate and distinct from each other and the procedures under the two different parts of the Act are quite different.

There is nothing in Section 51 that requires that there be a discipline proceeding before there can be a proceeding to establish a claim against the Compensation Fund. If the Society has adopted the practice of not entertaining a claim against the Compensation Fund until after discipline proceedings have terminated, I think the practice is wrong and that it should be changed.

A person who makes a claim against the Compensation Fund must establish to the satisfaction of a Committee (or in a proper case a Referee) that the loss has been sustained "in consequence of dishonesty on the part of (the) member . . . . in connection with (the) member's law practice, etc." (See Section 51, Subsection 5) The fact that there has been a prior discipline hearing, or a disbarment, does not relieve the claimant of the burden of proving that his particular loss was caused by specific dishonesty which he must prove, nor does a general finding in a discipline proceeding respecting misappropriation of trust funds necessarily prove dishonesty in relation to the affairs of a particular client.

Not only does the Statute not require a person seeking compensation to delay the claim until after discipline proceedings have been completed, but some parts of the Statute suggest that the contrary is the case. Note in particular that Section 6 imposes a six-month limitation period after the loss came to the knowledge of the client and the "notwithstanding" provision at the end of Subsection 5, makes it perfectly clear that a claim against the Compensation Fund can be made while the lawyer, whose honesty is in question, is still a member in good standing. The same inference may be drawn from the language used in Subsections 7, 8 and 9, which refer to "the dishonest *member*".

My opinion that the claim need not be delayed by a discipline proceeding is further fortified by the fact that the word "dishonesty" does not appear in any of the Sections of the Act that govern discipline proceedings, and the assumption that a finding of professional misconduct necessarily involves a finding of "dishonesty" would appear to be quite erroneous.

The provisions of Section 51 of the Act are not unlike the provisions of a Fidelity Bond or Insurance Policy which call for payment on proof of a loss caused by the dishonesty of a servant of the insured. Such claims are sometimes stayed or delayed pending the hearing of a criminal charge but not necessarily. In this connection note that Subsection 4 of Section 51 provides that the Society may arrange for insurance to cover claims against the Fund.

I note the suggestion that Mr. Sherriff might be called upon to make a statement as to the existence of dishonesty in some cases before there has been a discipline proceeding. I do not think that this would be proper practice since the responsibility for making the finding of dishonesty is placed squarely upon the Committee or the Referee who may hear the claim.

Whenever a client makes an application to the Society for payment from the Compensation Fund because of the alleged dishonesty of a lawyer, I see no reason why the proceeding should be delayed, unless and until the lawyer involved makes an application for an adjournment or stay of the proceedings for payment from the Compensation Fund. There may be many cases where as a matter of convenience the application should be adjourned or stayed pending determination of a parallel discipline proceeding, but I would think that each case should be judged on its merits and that the decision as to proceeding or not proceeding should rest with the Committee or the Referee, subject of course to review in Convocation, to whom a report may be required under Section 51, Subsection 11.

If it is not the present practice to give the solicitor notice of a claim against the Compensation Fund arising out of his practice, then I think that it ought to be, and the solicitor should have the right to appear and be represented by counsel to contest the claim if he so desires. In some cases it may be to the Society's advantage that he should do so.

To sum up, in my opinion discipline proceedings and proceedings by way of claim against the Compensation Fund are separate and distinct matters, and the decision as to whether a claim against the Compensation Fund should be delayed in a particular case should always rest with the Committee or the Referee hearing the claim.

Since a finding of dishonesty in a proceeding by way of claim against the Fund would be almost certainly followed by a discipline proceeding (as is the case now following a criminal conviction) it might be considered desirable that a Compensation Fund claim (prior to discipline proceedings) be heard by a Committee rather than a Referee, but this is a policy decision and not a legal question, since a Referee has just as much power as the Committee.

If I can be of further assistance in this matter, please let me know.

Mr. O'Brien did not vote.

THE REPORT WAS ADOPTED

. . . .

CLINIC FUNDING

Mr. P. B. Tobias, Chairman of the Clinic Funding Committee, reported orally with respect to applications for the establishment of new clinics in Belleville and Peterborough and delivered to members of the Bench a written report including background information on the operation of clinics and the Clinic Funding Committee.

Mr. Tobias advised Convocation that the Clinic Funding Committee had also provided a copy of its policies and procedures on clinic funding to the Treasurer for reference by members of the Bench at any time.

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

Re: DAVID ALLEN BLAIR, Belleville

Mr. P. G. Furlong, Vice-Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend, nor was he represented. Mr. Frank N. Marrocco represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 7th April, 1982, together with an Affidavit of Service, dated 13th April, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail sent to the solicitor's two last known addresses on 8th April, 1982.

The Report of the Discipline Committee and the Recommendation as to Penalty of the Discipline Committee had been forwarded to the Benchers prior to Convocation.

The Report found the solicitor guilty of professional misconduct. He had abandoned his practice, deceived clients and misappropriated over $100,000 of their funds.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 7th April, 1982, be adopted.

The Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel retired.

....

Re: DONALD MacGREGOR CROSS, London

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend, nor was he represented by counsel. The Society was represented by Mr. S.E. Sherriff.

Convocation had before it the Report of the Discipline

Committee, dated 8th April, 1982, together with an Affidavit of Service, dated 13th April, 1982, by Stephen D. Jones, Private Investigator, that he had effected personal service of the Report and other documents on the solicitor on 8th April, 1982, and that the solicitor had indicated that he did not wish to attend before Convocation on 23rd April, 1982.

The Report of the Discipline Committee and the Recommendation as to Penalty of the Discipline Committee had been forwarded to the Benchers prior to Convocation.

The Report found the solicitor guilty of conduct unbecoming a barrister and solicitor. He had pleaded guilty in criminal court of defrauding clients and was sentenced to imprisonment for two years less a day.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 8th April, 1982, be adopted.

The Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

....

Re: SAMUEL WETSTON, Mississauga

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

The solicitor was not present and no one appeared on his behalf. Mr. S.E. Sherriff represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 13th April, 1982, together with an Affidavit of Service, dated 15th April, 1982, by Stephen D. Jones, Private Investigator, that he had effected personal service of the Report and other documents on the solicitor on 13th April, 1982, and that the solicitor had indicated that he did not wish to attend before Convocation on 23rd April, 1982.

The Report of the Discipline Committee and the Recommendation as to Penalty of the Discipline Committee had been forwarded to the Benchers prior to Convocation.

The Report found the solicitor guilty of professional misconduct and conduct unbecoming a barrister and solicitor. He had pleaded guilty in Criminal Court of defrauding a client of over $500,000 and was sentenced to imprisonment for two years less a day.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 13th April, 1982, be adopted.

The Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

....

Re: JOSEPH BAER POMERANT, Q.C., Toronto

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

Mr. Arthurs withdrew from Convocation, took no part in the matter and did not vote.

The solicitor was not present and no one appeared on his behalf. Mr. S.E. Sherriff represented the Society.

Convocation had before it the Report of the Discipline Committee dated 8th April, 1982, together with an Affidavit of Service, dated 8th April, 1982, by Hyacinth Diggs, that service had been effected on the solicitor by registered mail sent to the solicitor's two last known addresses on 8th April, 1982.

The Report of the Discipline Committee and the Recommendation as to Penalty of the Discipline Committee had been forwarded to the Benchers prior to Convocation.

The Report found the solicitor guilty of conduct unbecoming a barrister and solicitor. He had pleaded guilty on 17th March, 1982 in Criminal Court to making false documents and wilfully attempting to obstruct the course of justice, and was sentenced to a term of imprisonment for five years.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 8th April, 1982, be adopted.

The Recommendation as to Penalty of the Discipline Committee was disbarment.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

. . . .

Re: JOHN BRIAN RADIGAN, Hamilton

Mr. Furlong placed the matter before Convocation.

The reporter was sworn.

Messrs. Carthy and Yachetti withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. David F. Smye. Mr. S. E. Sherriff represented the Society.

Convocation had before it the Report of the Discipline Committee, dated 8th April, 1982, together with an Affidavit of Service, dated 13th April, 1982, by Heather L. Wallace, that service had been effected on the solicitor by registered mail on 8th April, 1982.

Copies of the Report of the Discipline Committee had been sent to the Benchers prior to Convocation.

The Report found the solicitor guilty of professional misconduct and conduct unbecoming a barrister and solicitor. He had filed a false affidavit of value in connection with a real estate transaction, although he had gained nothing from his action and was unaware of the part it played in a fraudulent scheme conducted by others.

Counsel made no submissions with respect to the Report.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 8th April, 1982, be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, copies of which had been sent to the Benchers with the Committee's Report.

The Recommendation as to Penalty of the Discipline Committee was that the solicitor be suspended for a period of three years.

Mr. Sherriff made submissions as to penalty.

Mr. Smye made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be suspended for a period of three years.

It was moved and seconded that the solicitor be suspended for a period of two years.

It was moved and seconded that the solicitor be suspended for a period of one year.

The motion for a three-year suspension was *lost*.

The motion for a two-year suspension was *carried*.

The motion for a one-year suspension was *not put*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of Convocation's disposition of the matter.

The solicitor and counsel retired.

....

GENERAL REPORT

Mr. Furlong presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 8th April, 1982.

The following members were present: Messrs. Genest (Chairman), Ruby, Furlong and Yachetti (Vice-Chairmen), Cass, Ogilvie and Mrs. Sutherland.

POLICY

DISCLOSURE OF DISCIPLINE PROCEEDINGS

The Committee reconsidered its report on this matter discussed at January's Convocation. The Committee recommended the following as appropriate guidelines. They do not represent a departure from the present policy.

Disclosure to the Complainant

The Complainant should be kept advised at all appropriate stages of a disciplinary proceeding, including the final disposition of the matter.

Disclosure to Other Law Societies

The Law Society will require a Direction from the member to reveal information to other Law Societies about his past discipline record. On the receipt of the Direction to disclose from the member, the Society would list prior findings of professional misconduct, both in Committee and in Convocation, and any pending discipline proceedings. Invitations to Attend and dismissals would not be disclosed.

Disclosure to the Public at Large

The press will only be advised when the proceeding has been disposed of in Convocation. All such matters are normally reported in the Communiqué and generally the disclosure to the press would be restricted to the information in the Communiqué. However, there are cases where the Communiqué is not very informative and therefore it is in the discretion of the Senior Counsel, Discipline or the Secretary to reveal additional information to clarify the situation that resulted in discipline. For matters dealt with in Committee or for proceedings that are still pending, the press should be advised that the Society's policy is not to comment on disciplinary matters unless they have been disposed of by Convocation.

ADMINISTRATION

PREPARATION OF THE DECISIONS OF THE DISCIPLINE PANEL AFTER THE RECOMMENDATIONS OF THE BARR SUB–COMMITTEE ARE IN EFFECT

The Committee had a general discussion on the drafting of the decisions of the Discipline Panel after The Law Society Act is amended. As the decisions of the Discipline Panel will be final subject to the right of appeal by the Solicitor and the Society to the courts, the reports of the Discipline Committee as now known may no longer be necessary. The Committee felt that in anticipation of the new amendments, Discipline Committees should be encouraged now to write their own reasons as often as possible rather than have the Assistant Secretary draw up the initial report. Some Discipline Committees are now dictating draft reasons to the court reporter immediately following the hearing, and this seems to be working well.

It was moved in Convocation, seconded and carried that this matter be referred back to the Committee for further consideration.

MISCELLANEOUS

A number of other matters were just discussed by the Committee and dealt with.

THE REPORT AS AMENDED WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M.

. . . .

The Treasurer and Benchers had as their guest for luncheon Professor David A. A. Stager, Associate Professor of Economics, Department of Political Economy, University of Toronto.

. . . .

CONVOCATION RESUMED AT 2:30 P.M.

. . . .

PRESENT:

The Treasurer and Messrs. Barr, Bragagnolo, Carthy, Cass, Chadwick, Farquharson, Ferrier, Furlong, Genest, Ground, Guthrie, Mrs. Legge, Messrs. Lerner, Mills, O'Brien, Ogilvie, Pepper, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Willoughby and Yachetti.

. . . .

SUB–COMMITTEE ON DISCIPLINE PROCEDURES (SPECIAL COMMITTEE ON CONVOCATION)

Mr. J. R. Barr, Chairman of the Sub-Committee on Discipline Procedures, referred to the 4th Draft of the Proposed Amendments to The Law Society Act and to the Regulation and Rules thereunder which had been forwarded to all Benchers prior to Convocation with a memorandum dated 19th April, 1982, from Senior Counsel, Discipline.

Mr. Barr reported on the changes that had been incorporated in the 4th Draft.

Convocation considered certain of these changes and a brief discussion took place.

The 4th Draft of the Proposed Amendments was received.

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APPOINTMENT OF COMMITTEE UNDER SECTION 35 OF THE LAW SOCIETY ACT

Mr. P. Genest, Chairman, of the Discipline Committee, presented a memorandum with respect to a member of the Society, requesting the appointment of a Committee under Section 35 of The Law Society Act.

It was moved, seconded and *carried* that Convocation appoint a Committee, the members of which will be designated by the Secretary, to inquire into the capability of the said member to practise law.

....

DISCIPLINE COMMITTEE (Continued)

COMPENSATION FUND REPORT

Re: JAMES H. PEARSON

Mr. P. Genest, Chairman, presented a Report, dated 8th April, 1982, with respect to applications to the Compensation Fund arising out of the practice of James H. Pearson.

James H. Pearson was disbarred on 27th July, 1976.

The Discipline Committee composed of Messrs. McWilliams (Chairman), Furlong and Mrs. Legge considered and the majority, Mr. McWilliams and Mrs. Legge, approved of the fourth Report of the Referee, The Honourable John B. Aylesworth, Q.C., on a claim of $41,000, on which he has recommended that each of the claimants be paid $20,500. Mr. Furlong, for the reasons set out, recommended $25,000 be paid to the claimants.

The total of $41,000 when added to the previous amounts approved by this Committee and Convocation ($449,069.17) brings the total to be paid out of the Compensation Fund to $490,069.17.

The majority of the Committee considered that the Referee's Report recommended that the $150,000 discretionary limit per solicitor be further exceeded by these payments totalling $41,000. The majority of the Committee felt that as the Referee held his Report on these claims pending the claimants' efforts to exhaust their civil remedies, it would be equitable for Convocation to exercise its discretion to further exceed the $150,000 limit per solicitor applicable in this matter.

The Committee was advised that the Referee will be making a further report on one claim totalling $100,000, on which the applicable individual claimant limit is $25,000 and which is being held in abeyance pending the outcome of litigation.

Mr. Furlong recommended that the claimants be paid $25,000 for the following reasons:

1. The Discipline Committee has a complete discretion, delegated to it by Convocation, to accept or reject the recommendation of the Referee. Mr. Furlong respectfully disagrees with the learned Referee and the majority of the Committee in approving this claim at $20,500 to each of the claimants.

2. This was a joint claim by Mr. and Mrs. Papesh and the per claimant limit of $25,000 should have been adhered to. The claimants knew or ought to have known when the solicitor offered them 20% interest on their investment that in 1975 that was a much higher interest rate than was available from conventional lending institutions. They also should have known

that they were being offered a risky investment, that is, one with more risk than conventional types of investments.

3. Under paragraph 5(a) of the Guidelines Mr. Furlong would have deducted $16,000 for that risk, and would have allowed the joint claim at $25,000.

The majority of the Committee recommended that on the basis of the Referee's Report the following payments be made:

Claimant	*Amount Claimed*	*Referee's Report*	*Amount Recommended*
John & Irma Papesh	$41,000	$20,500	$20,500
		$20,500	$20,500
	$41,000	$41,000	$41,000

It was moved in Convocation, seconded and *lost* that the Papesh claim be limited to the individual limit of $25,000.

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 4:00 P.M.

. . . .

Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 28th May, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Affleck, Barr, Bragagnolo, Carthy, Cass, Chadwick, Chilcott, Cooper, Crane, Doran, Farquharson, Fennell, Ferrier, Finlayson, Furlong, Genest, Ground, Guthrie, Humphrey, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Mills, Noble, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Wardlaw, Willoughby and Yachetti.

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ELECTION OF TREASURER
FIRST BALLOT RESULTS

The results of the first ballot were announced by the Secretary as follows:

THE LAW SOCIETY OF UPPER CANADA

ELECTION OF TREASURER 1982

First Ballot

NUMBER OF ELIGIBLE VOTERS: 53 NUMBER OF VOTES CAST: 52

	Nominee	Votes Received	%	Standing
1.	John Bowlby	24	46	1
2.	James Carthy	9	17	3
3.	Gordon Farquharson	4	8	4
4.	Barry Pepper	14	27	2
	NUMBER OF SPOILED BALLOTS:	1 not marked	2%	
	NUMBER OF UNCAST BALLOTS	1	–	
	TOTAL:	52	100%	

The second ballot containing the names of Messrs. Bowlby, Carthy and Pepper was distributed, the votes to be counted at a

Special Convocation to be held at 12:00 noon on Friday, 11th June, 1982.

....

WILLIAM POPE CLEMENT, Q.C., BENCHER EX OFFICIO

The Treasurer expressed Convocation's regret at the death of William Pope Clement of Kitchener on 21st May, 1982, at the age of 94. Mr. Clement had been a Bencher ex officio of the Society since 1961, having been elected in the Benchers elections of 1946, 1951, 1956 and 1961. He was called to the Bar 25th May, 1912 and had been a life member of the Society since 1962, and at his retirement in February 1982, he was the oldest practising lawyer in Kitchener-Waterloo.

....

MEETING OF CHAIRMAN AND VICE–CHAIRMEN OF STANDING COMMITTEES WITH PRESIDENTS OF COUNTY AND DISTRICT LAW ASSOCIATIONS AND REPRESENTATIVES OF ONTARIO LAW SCHOOLS

The Treasurer announced that a meeting with the presidents of the County and District Law Associations and representatives of Ontario Law Schools had been scheduled for Thursday, 24th June, 1982, beginning at 10:00 a.m. in the Barristers Lounge.

....

RECEPTION AND DINNER TO BE TENDERED BY THE ATTORNEY GENERAL FOR ONTARIO TO MARK THE 160TH ANNIVERSARY OF THE INCORPORATION OF THE LAW SOCIETY AND THE 150TH ANNIVERSARY OF THE FIRST CONVOCATION HELD BY THE LAW SOCIETY IN OSGOODE HALL

The Treasurer announced that the Attorney General for Ontario had invited the Benchers to attend a reception and dinner to be held on Wednesday, 9th June, 1982, to mark the 160th Anniversary of the incorporation of The Law Society of Upper Canada and the 150th Anniversary of the First

Convocation held by the Society in Osgoode Hall. The reception will be at the Harbour Castle Hilton Hotel and the dinner at the Trillium Restaurant, Ontario Place.

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ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Mrs. Laura L. Legge (Chairman), Messrs. Chilcott, Cooper, Ferrier, Lamont, Pepper and Mrs. Sutherland.

ADMINISTRATION

OCCASIONAL APPEARANCE

Samuel Dennis Sarbit of the province of Manitoba, applied to proceed under section 6 of the Regulation "Occasional appearances in Ontario of lawyers from other provinces" *in a matter respecting Custody and Access between Mr. Donald Leslie and Mrs. Leslie.* Mr. Sarbit explains in his letter that Mr. Leslie is almost completely blind, and it would be very difficult for him to travel to Ontario to review or discuss developments in his case. Mr. Sarbit complied with the requirements of section 6, and presented a Certificate of Good Standing, and asked to receive his call to the Bar of Ontario at the May Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the twenty-third Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for call to the Bar and to be granted a Certificate of Fitness:

Pamela Dianne Poole

Transfer from another province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, applied for call to the Bar and to be granted Certificates of Fitness:

Kenneth Michael Arenson	Province of Manitoba
Nolly Elisabeth Corley	Province of Alberta

The following candidates, having passed the comprehensive examination on the common law and the examination set by the Examining Board, filed the necessary documents and paid the required fee of $541, applied for call to the Bar and to be granted Certificates of Fitness:

Pierre Chenier	Province of Quebec
Peter Savage Martin	Province of Quebec
Denis Pommainville	Province of Quebec

Call to the Bar for an Occasional Appearance

At its meeting on 13th May, 1982, the Committee recommended that the following be allowed to proceed under Section 6 of the Regulation respecting "Occasional appearances in Ontario of lawyers from other provinces" and that upon giving the necessary undertaking, he be called to the Bar of Ontario and admitted as a solicitor:

Samuel Dennis Sarbit	Province of Manitoba

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

Three further candidates, having complied with the relevant Regulations, paid the required fee of $101, and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 24th Bar Admission Course:

Approved

REPORT OF THE EXAMINING BOARD

The results of the examination on the Statutes and Procedure in Ontario held earlier this month were before the Committee. Seven candidates sat the examination.

Six candidates passed and one failed.

Approved

PETITIONS

The Committee considered and approved two petitions. One petitioner, who successfully completed the 23rd Bar Admission Course in February 1982, planned to attend a two-year Business Administration programme in September 1982, in preparation for which he is required to take further courses during the summer. He asked to defer his call to the Bar until completion of the M.B.A. degree. The second petitioner, who had been approved to transfer to practice in Ontario under Regulation 4(2) in February 1981, wrote and passed the comprehensive examination on the Common Law in January 1982, but due to pressure of work was unable to sit the examination on the Statutes and Procedure in Ontario held earlier this month. She asked to extend her eligibility period to enable her to sit the examination in November 1982.

BOARD OF EXAMINERS FOR REGULATION 4 OF TRANSFER EXAMINATIONS

The following matters were before the Committee:

(a) The resignation of Melville O'Donohue, Q.C. Mr. O'Donohue has been a member of the Board of Examiners for twelve years. It is a significant record of quiet dedication to an onerous annual obligation. It is proposed that the Law Society's thanks to Mr. Donohue for this contribution should be recorded and included by an express reference in the Law Society's Communiqué.

(b) The resignation of George W. Collins-Williams, Q.C. Mr. Collins-Williams' contribution as Chairman of the Board of Examiners over the past seven years is also deserving of a particular record of the Law Society's appreciation.

(c) Appointment of Jeffrey K. Smith as the new Chairman of the Board of Examiners. Mr. Smith is the one remaining member of the Board.

(d) Appointment of Thomas J. Lockwood as a new member of the Board.

(e) Appointment of June M. Bushell, Q.C., as a new member of the Board.

(f) Payment of an honorarium to members of this Board in the amount of $1,000 per year.

The Committee recommended:

(i) That a letter of thanks from Convocation to Mr. O'Donohue and Mr. Collins-Williams be sent, plus a mention in the Communiqué.

(ii) That Mr. O'Donohue and Mr. Smith be invited to Convocation luncheon in recognition of their services.

(iii) That the appointments referred to in items (c), (d) and (e) be approved; and

(iv) That approval be given to the proposed honorarium referred to in item (f).

THE REPORT WAS ADOPTED

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Mrs. Legge presented the Report of the Admissions Committee of its meeting on Thursday, 27th May, 1982.

The following members were present: Mr. D.H.L. Lamont (Vice-Chairman), Messrs. Carthy and Pepper.

ADMINISTRATION

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the twenty-third Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for call to the Bar and to be granted a Certificate of Fitness:

Nancy Thalia Reynolds Peterson

Approved

THE REPORT WAS ADOPTED

....

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Nancy Thalia Reynolds Peterson
Pamela Dianne Poole
Kenneth Michael Arenson
Nolly Elisabeth Corley
Pierre Chenier
Peter Savage Martin
Denis Pommainville
Samuel Dennis Sarbit

....

RE: JOEL SKAPINKER

Mr. Brendan O'Brien, Q.C., counsel for the Society, reported on the hearing of the motion brought by Mr. Joel Skapinker for an order that the requirement of Canadian citizenship for Call to the Bar is contrary to the provisions of the *Charter of Rights,* Section 6(2)(b), and consequently invalid. The motion was heard on 27th May, 1982, and judgment was reserved.

....

APPOINTMENTS TO STANDING COMMITTEES

(a) It was moved, seconded and *carried* that Mr. *Stuart Thom* be appointed to the *Compensation Fund Committee.*

(b) It was moved, seconded and *carried* that Mr. *Hugh Guthrie* be appointed to the *Clinic Funding Committee.*

....

COMPENSATION FUND COMMITTEE–Mr. Ogilvie

Mr. Noel Ogilvie, Chairman, presented the Report of the Compensation Fund Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Ogilvie (Chairman), Scace (Vice-Chairman), Chilcott and Shibley. Mr. C.E. Bennett (Under Treasurer) was also present.

ADMINISTRATION

1. The Secretary submitted a copy of Mr. H. Stinton's report of his analysis of the Compensation Fund claims to December 31st, 1981. Mr. Scace presented a report indicating that he recommended that the Compensation Fund Levy be $300 for 1982/83. After considerable discussion the Committee approved Mr. Scace's report and recommended that the Compensation Fund Levy for 1982/83 be $300.

Convocation deferred consideration of this item until after it had considered Mr. Scace's Report; see p. 225.

2. The Secretary reported that a recommendation was received concerning the appointment of a new Referee. The appointment of W. A. Maedel, Q.C., a retired County Court Judge, to be a Referee for the Society was approved.

3. (a) A copy of the Report of the Referee, B. W. Grossberg, Q.C., in the matter of the claims to the Compensation Fund arising out of the practice of *David B. Bennett* was approved.

(b) The copy of the Report of the Referee, S.M. McBride, Q.C. in the matter of claims arising out of the practice of *Elmo L. Ashbourne, deceased*, was approved subject to a number of claims being referred back to the Referee for clarification of his reasons for dismissing those claims.

4. Two accounts were approved.

5. The Secretary submitted a letter from Ms. Christina M. Bissonnette *re Samuel Wetston*. After considerable discussion the Committee decided to deny Ms. Bissonnette's application for the payment of $1,300.26 back pay and severance pay.

INFORMATION

1. The Secretary reported that he had approved the following accounts during the month of April:

J. B. Aylesworth, Q.C.	re J. H. Pearson	$ 200.00
J. S. Boeckh, Q.C.	re J. A. Smith	2,847.18

2. The Secretary reported that a Writ of Summons and Statement of Claim were served on April 29th, 1982 concerning the *Gourley L. Howell* Compensation Fund claims of Mr. and Mrs. Petranik. The amount claimed is $30,617,794.

3. The Secretary reported that the Treasurer has negotiated

some hearing rooms in the Hamilton Court House for the *Katz, Swanborough* Compensation Fund hearings. It is estimated that this will save the Society between $4/5,000.

4. The Committee considered the Compensation Fund Summary for the ten-month period ended April 30th, 1982 and noted that claims received in April amounted to $1,170,897.33. Set out below are some details contained in the said Summary:

COMPENSATION FUND
For the Period from 1st July, 1981 to 30th April, 1982
(10 months)

TOTAL RECEIPTS	$ 1,752,714.94
TOTAL DISBURSEMENTS	$ 283,426.60
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 1,469,288.34
BALANCE OF FUND at beginning of period	$ 2,242,068.09
BALANCE OF FUND at end of period	$ 3,711,356.43
CLAIMS RECEIVED and in the course of being processed at end of period	$20,572,664.85

5. The number of claims outstanding as at June 30th, 1981 was 470 with an aggregate value of $13,429,822. The claims heard between July 1st, 1981 and April 30th, 1982 are 175 with an aggregate total value of $3,969,860.13. 511 claims of an aggregate total of $17,318,428.14 are outstanding and yet to be heard.

WITH THE EXCEPTION OF THE ITEM, COMPENSATION FUND LEVY, 1982/83

THE REPORT WAS ADOPTED

. . . .

Re: NICHOLAS J. MONTI

Mr. W. D. Chilcott presented the Report of the Compensation Fund Committee of its meeting on Wednesday, 7th April, 1982, to consider the Report of the Referee respecting claims against Nicholas J. Monti.

The Committee composed of Messrs. Ogilvie (Chairman), Scace (Vice-Chairman) and Shibley met on Wednesday, April 7th, 1982 at 3:00 p.m. to consider the Report of the Referee, The Honourable J. B. Aylesworth, Q.C., concerning claims to the Compensation Fund arising out of the practice of Nicholas J. Monti, a former solicitor.

The Referee recommended that payments totalling $1,001,609.30 be paid out of the Compensation Fund in connection with claims to the fund totalling $2,809,277.08. Before the Committee and Convocation was a list of the claimants, the amount claimed and the amount recommended for payment by the Referee which included the preamble to the Report in which the Referee gave his reasons for the dispositions recommended by him in the individual reports on each claim. The Referee found that the former solicitor was dishonest within the context of Section 51(5) of The Law Society Act either by misappropriating clients' trust funds or by committing a breach of trust in connection with trust funds of which he was trustee.

The Referee stated that nearly all of the claimants were members of the Italian community in Hamilton and in many instances, among the more elderly of the claimants, their life savings were swept away. The monies advanced to the former solicitor were, to a considerable extent, misappropriated by the former solicitor using the monies for his own purposes through three companies which were his own alter egos. In many cases the companies gave the claimants promissory notes with payment guaranteed by the former solicitor.

All of the claims were under the limits applicable to funds entrusted to a solicitor before June 1st, 1979, i.e., $25,000 per claimant and $150,000 per solicitor. Considering the total recommended for payment of $1,001,609.30, the Referee recommended that the per solicitor limit of $150,000 be exceeded because to do otherwise would destroy the real intent and purpose for which the fund was created. The Referee had recommended and the Committee approved exceeding the $25,000 individual limit in three cases which he considered merited the increased amounts.

The Referee referred to submissions of some counsel for an increased grant on the grounds of hardship. In the three cases where he has agreed with these submissions, he stated his reasons and in all of the cases where he did not agree he stated his reasons for not agreeing.

The Committee, while approving the Referee's Report, noted that there were 7 claims on which the question of solicitor/client relationship was not clear and there was no evidence of a trust in connection with the former solicitor's law practice. The Committee was concerned that these 7 claims appeared to be loans to a company with the claimant given a promissory note of the company personally guaranteed in many cases by the former solicitor. The Committee was concerned because it felt that the Compensation Fund was not established to pay claimants on loans to a former solicitor's company in the absence of a solicitor/client relationship and where the former solicitor had personally guaranteed the corporate promissory note. The Committee found that from reading the Referee's Report it was not clear whether the claimants in those 7 claims knew or were ever advised that the companies were alter egos of the former solicitor.

It was moved in Convocation, seconded and *carried* that the seven claims referred to in the final paragraph of the Report be referred back to the Committee for further consideration.

THE REPORT AS AMENDED WAS ADOPTED

....

Re: MICHAEL J. DELANEY

Mr. Chilcott presented the Report of the Compensation Fund Committee of its meeting on Thursday, 13th May, 1982, to consider the Report of the Referee respecting claims against Michael J. Delaney.

MICHAEL J. DELANEY was disbarred on January 16, 1981.

The Committee composed of Messrs. Ogilvie (Chairman), Scace (Vice-Chairman), Chilcott and Shibley met on Thursday, May 13th, 1982, at 1:00 p.m. to consider the Report of the Referee, J.S. Boeckh, Q.C., concerning claims to the Compensation Fund arising out of the practice of Michael J. Delaney, a former solicitor.

The Referee, in recommending his disposition of the 55 claims, dealt with the question of the old per claimant and per solicitor limits, i.e., those where the funds were entrusted before June 1, 1979 ($25,000/$150,000), and the new per claimant and per solicitor limits ($50,000/$500,000). For the claims where the money was advanced before June 1, 1979, the Referee recommended a total of $227,197.92 be paid out of the Compensation Fund. The Committee recommended that one claim which exceeds the $25,000 limit be paid in the amount of $48,266.93 as recommended by the Referee. The Committee recommended that one grant in this group be increased by $3,000 bringing the total to $230,197.92. Because his recommendations fall well short of the amount claimed which was $644,114.90 the Referee recommended that the claims not be pro-rated to lower amounts to bring the total under the $150,000 limit. The Referee recommended and two members of the Committee, Messrs. Ogilvie and Scace, approved of exceeding the discretionary $150,000 limit on these claims and two members of the Committee, Messrs. Chilcott and Shibley, recommended that the discretionary $150,000 limit should not be exceeded for this group of claims. Two members of the Committee recommended that the total of grants from the fund paid to this group of claimants should be $230,197.92. Two members of the Committee recommended that the total amount of grants paid to this group of claimants should be $150,000.

For the claims where the money was entrusted to the solicitor after June 1, 1979, the Referee recommended that a total of $216,810.61 be paid out of the Fund. Because of the type and clarity of the misappropriations the Referee recommended that the claims be paid in full. Included in this group is one claim amounting to $69,000 which the Referee recommended be paid. The Referee recommended and the Committee approved that the $50,000 per claimant limit be exceeded in that one claim.

In considering the Referee's Report the Committee felt that one claim should be referred back to the Referee for a clarification of his interpretation of the guidelines for the Compensation Fund. On a second claim the Committee felt that the claimant should receive the amount she claimed and recommended that Margaret Pasley be paid $19,000, an increase of $3,000 over the Referee's recommendation.

Before the Committee (and Convocation) were lists of the amounts claimed totalling $923,050.28 and the amounts recommended for payment totalling $447,008.53, if the discretionary $150,000 limit is exceeded and $366,810.61 if the $150,000 discretionary limit is not exceeded.

It was moved in Convocation, seconded and *carried* that

Convocation act on the recommendations of the Referee but that his recommendation be exceeded in the *Pasley* case.

THE REPORT AS AMENDED WAS ADOPTED

....

Re: COMPENSATION FUND LEVY, 1982/83

Mr. A.R.A. Scace, Vice-Chairman, presented the Report of the Compensation Fund Committee dated 13th May, 1982, with respect to the Committee's recommendation for the 1982/83 levy.

The Compensation Fund Committee recommended that the levy for 1982/3 be $300 per member. The current position facing the fund and the rationale for its recommendation is as follows:

Item		*April 30, 1982*	*Ex Monti and Delaney*
1.	Claims received and not processed	$20,812,611	$17,025,611
2.	Unsigned claims of which the Society has notice (not included in 1 or 3)	14,770,000	
3.	New matters which the Society auditors are investigating (not included in 1 or 2)	14,591,000 (max.) 3,291,000 (min.)	

The balance of the fund as of April 30th, is $3,711,356. If the *Monti* and *Delaney* reports are approved, the balance will be $2,269,356. For present purposes, it is assumed that the *Monti* and *Delaney* reports will be adopted.

The difficulty in setting the levy is to forecast the amount and rate of payment. In his reports, Mr. Stinton has found that on average, 54% of all filed claims are paid. This would indicate a potential liability of $9,193,829 from received claims (item 1). One may be reasonably confident that this is an acceptable figure in that almost the identical amount is obtained by applying the individual/solicitor limits to the "heavy hitters". In the case of items 2 and 3, prediction is much more difficult. For lack of any better measure, a 27% payout is assumed. Also, the amount of $8,000,000 has been used as a compromise between the minimum and maximum in item 3. The reason for the differential is that many of the matters arise from investments made by solicitors for clients and there may be a liability of $6,147,900 (.27 x $22,591,000) from those two sources. This produces a total exposure of $15,341,729. As indicated above, the current balance in the fund (after *Monti* and *Delaney*) is $2,269,356 so that the actual liability is approximately $13,000,000.

In his report, Mr. Stinton has recommended a levy of $120. What had not been appreciated until a few months ago, was that in recommending a levy, Mr. Stinton gives great weight to the historical rate at which payments from the Compensation Fund have been made. No effort is made to recommend a levy which would realistically liquidate the Society's liability.

The Committee has been advised that all of the existing claims which have been filed could be cleared in less than a two year period without any difficulty.

One cannot predict when claims under items 2 and 3 will be filed. However, it is assumed that with a reasonable effort, all of these could be dealt with within a three year period, i.e., by June 30, 1985.

In 1982, there will be 15,300 lawyers liable for the levy. Thus, the total liability could be liquidated by a payment of approximately $850. Spread over a three year period, this would amount to $280 per annum.

Such an estimate does not take into account any investment return and also ignores new claims not included in present figures. New claims continue to be received at an accelerating rate. In the first 10 months of 1982, new claims amounted to approximately $8,381,520. On the basis of a 54% liability rate, $280 per member would not keep pace and the fund balance would decline. Therefore $300 is the minimum levy that is financially acceptable.

It was moved in Convocation, seconded but *withdrawn* that the Committee give further consideration to the limits on grants from the Fund, both per claimant and per solicitor, and that the limits be published to the public.

It was moved, seconded and *lost* that the Compensation Fund Levy for 1982/83 be $200 per member.

THE REPORT WAS ADOPTED

....

LEGAL AID COMMITTEE–Mr. Chadwick

Mr. J. B. Chadwick, Chairman, presented the Report of the Legal Aid Committee of its meetings on Wednesday, 7th April, 1982 and Friday, 7th May, 1982.

On *Wednesday, April 7th, 1982,* the following members were present: James B. Chadwick, Q.C., Chairman, Messrs. Barnes, Barr, Ms. Cornish, Professor Ellis, Mrs. Fleming, Mr. Guthrie, Mrs. Jarmain, Mr. Jones, Ms. Leering, Professor Russell, Mrs. Tait and Mr. Tebbutt.

The following observer members were also present: Paul Copeland, solicitor, for the Criminal Lawyers Association, and Victor Paisley, solicitor, for The Advocates' Society.

On *Friday, May 7th, 1982,* the following members were present: James B. Chadwick, Q.C., Chairman, Messrs. Bragagnolo, Ferrier, Mrs. Fleming, Mrs. Jarmain, Mr. Jones, Dr. Lamb, Ms. Leering, Mr. Ogilvie, Professor Russell, Mrs. Smyth, Mrs. Tait and Mr. Yachetti.

The following observer members were also present: Robert Holden, solicitor, for the Criminal Lawyers Association, and Victor Paisley, solicitor, for The Advocates' Society.

MAY LEGAL AID COMMITTEE MEETING

The Legal Aid Committee held its May meeting in Hamilton, on Friday, May 7th, 1982. Arrangements for the meeting held at the Hamilton Convention Centre were made by Roger D. Yachetti, Q.C. The Hamilton meeting was the third meeting held outside Toronto in the last 18 months. The Hamilton meeting was the best attended and received the most media coverage of the three.

The theme of the meeting was "Legal Aid in the Decade of Restraint". Invitations to attend the meeting were sent to members of the Profession, Crown Attorneys, members of the Bench and members of the social agencies in the Counties of Halton, Hamilton-Wentworth, Haldimand, Niagara (North and South), and Brant.

During the morning a closed session was held at which legal aid area directors, area committee chairmen, community clinic directors, lawyers from county law associations and judges discussed matters of concern with the Legal Aid Committee. A luncheon was held at which the Treasurer, John D.

Bowlby, Q.C., gave an address.

The afternoon session was open to the public and the media and approximately 100 interested individuals attended including representatives from CHCH TV., The Hamilton Spectator, The Kitchener-Waterloo Record, The Toronto Star and The Globe and Mail.

Prior to dealing with the Committee's agenda, the Chairman, Mr. Chadwick, gave an address on the challenges facing the Plan in light of fiscal restraints, and Professor Peter Russell, a lay member of the Committee from the University of Toronto's Department of Political Science, gave an address on the Impact of the Charter of Rights on the Plan's future. At the end of the Legal Aid Committee Meeting a reception was held for those attending the day's meetings.

POLICY

TARIFF

In January, 1982, the Standing Sub-Committee on Legal Accounts, under the chairmanship of Robert J. Carter, Q.C., met to review the Criminal and Civil Legal Aid Tariffs. The Sub-Committee was comprised of the Legal Aid Committee, members of the Bar as well as representatives from the Ministry of the Attorney General.

It was noted that the last increase took effect April 1, 1979, and since that time the Consumer Price Index published by Statistics Canada, shows an increase of 31.7%.

The Legal Aid Committee approved the said Sub-Committee's recommendation that the Tariff be increased by 30%, that figure being the approximate increase in the cost of living since the last Tariff increase of April 1, 1979. The Chairman was directed to make application to the Attorney General for a 30% increase effective April 1, 1982, and to make submissions in support of that request.

FAMILY MEDIATION SERVICES

The Legal Aid Committee reviewed a memorandum from the Legal Accounts Officer. The question was raised as to whether mediation services in the area of family law would be covered by the Plan and a report was received from the Legal

Accounts Officer indicating that when one of the parties of the mediation process was covered by a legal aid certificate, the Plan would cover one-half the disbursements of the mediator along with the solicitor's account for representing the legally aided client appearing before the mediator. The Legal Aid Committee approved this policy.

INFORMATION

LEGAL AID COMMITTEE APPOINTMENT

The Legal Aid Committee was advised at the April 7th, 1982, meeting that Mr. Tom DeLorey's membership as the Student Legal Aid Society's representative to the Legal Aid Committee had expired in March, 1982. The Executive of the Student Legal Aid Society of Ontario unanimously recommended the appointment of Miss Michele Leering, Faculty of Law, University of Western Ontario, London, to replace Mr. DeLorey.

REPORT OF THE DIRECTOR

Finance

The Director's report, pursuant to Section 95(2) for the fiscal year ended March 31, 1982, shows that payments from the Legal Aid Fund exceeded budget by $755,000 as follows:

Over Budget	*$*	*$*
Civil certificate accounts	900,000	
Student Legal Aid Societies	17,000	
Area Office costs	242,000	
Provincial office costs	325,000	1,484,000
Under Budget		
Duty Counsel payments	36,000	
Criminal certificate accounts	261,000	
Legal Advice accounts	9,000	
Salaried Duty Counsel Programme	99,000	
Research Facility	177,000	
Special Projects	147,000	729,000
		755,000

This over-expenditure was financed by income received in excess of budget:

	$	
The Law Foundation	3,600,000	
Client contributions	412,000	
Client recoveries	169,000	
Bank interest	353,000	
	4,534,000	
Less: Reduction in Government contribution	3,798,000	
	736,000	
ADD: Funds drawn from opening balance	19,000	755,000

At year end there was a balance in the Fund of $4,000.

Statistics

The following table compares reported activity for the fiscal year ended March 31, 1982, with the activity for the previous fiscal year.

	12 months ended *Mar. 31/82*	*Mar. 31/81*	*% Change from last year*
Summary Legal Advice	46,105	41,619	+ 10.8
Referrals to other agencies	65,188	68,549	– 4.9
Applications for certificates	111,456	112,511	– 0.9
Refusals	34,165	40,291	– 15.2
As a percentage of applications	30.7	35.8	
Certificates issued	81,048	79,943	+ 1.4
Persons assisted by Duty Counsel:			
Fee for service	169,781	161,799	
Salaried Duty Counsel	56,784	64,161	
Total	226,565	225,960	+ 0.3

Annual Report of the Director

The Annual Report of the Director for the year ended March 31, 1982, pursuant to Section 96 of the Regulation, was approved by the Committee.

A copy of the Annual Report was before Convocation.

Budget 1982/83

In February, Convocation approved a proposed budget for the Ontario Legal Aid Plan for the fiscal year 1982/83, prepared by the Deputy Director. Convocation at that time noted that the Chairman had written the Attorney General emphasizing that the proposed budget as submitted did not take into account any increase in the proposed Tariff. The Ministry met with the Chairman and the Deputy Director. The Committee approved a revised Budget, which was before Convocation.

Student Legal Aid Societies

The sum of $576,900 for Student Legal Aid Societies was recommended in the Plan's 1982/83 Budget. The Attorney General's Department in reducing the Plan's budget requested that the Plan specifically reduce the amount of moneys available for the Student Legal Aid Societies to $455,000. A problem arose in the fact the University of Toronto Law School recently established a Student Legal Aid Society and the moneys that were allocated by the Attorney General's Department will, therefore, have to be divided among six universities rather than five. As a result all the universities are affected. Miss Michelle Leering, student representative to the Legal Aid Committee, reported at the May meeting that the law schools have arranged to meet with the Attorney General.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	March 1982	*12 Months to March 31/82*	*12 Months to March 31/81*
Reviews on hand	967		
Reviews received	106	1454	1694
	1033		
Settlements reviewed in	71	1209	1105
Settlements awaiting review	962		
	1033		

Appeals

	January	*February*	*March*
Appeals to Taxing Officer received during	–	–	1
Appeals heard by Taxing Officer	1	–	–
Appeals pending at the end of the month	1	1	1

Activity

	1981/82 Fiscal Year		*1980/81 Fiscal Year*	
	Month of March 1982	*12 Months to March 1982*	*Month of March 1981*	*12 Months to March 1981*
Accounts on hand at beginning	9107	12524	12924	12454
Accounts received	7133	69913	6607	68701
Total Accounts to be processed	16240	82437	19531	81155
Less: Files Cancelled	242	661	326	709
Accounts processed	7505	73283	6681	67922
Balance	*8493	8493	12524	12524
In addition to the number of accounts for services completed there were:				
Interim Accounts	725	5797	347	4458
Supplementary Accounts	377	4231	323	3715
Total	1102	10028	670	8173

*Of this number 425 accounts have been examined, letters have been sent to solicitors and further information is awaited.

Accounts distributed for examination on April 1, 1982, were received on the following dates:

Criminal	March 11, 1982	Civil	March 9, 1982

MENTOR PROGRAM HAMILTON–WENTWORTH

At its meeting in Hamilton the Legal Aid Committee received for its information a verbal report from William Morris, Q.C., Area Director, Hamilton-Wentworth, advising that the local Law Association had approved the establishment of a Mentor Program similar to that initiated in York County. The Mentor Program assists in encouraging the provision of advice and assistance to junior members of the Bar by senior counsel.

However, the Hamilton-Wentworth Mentor Program will pertain not only to criminal practice but will extend to family law matters. John L. Agro, Q.C., and Morris J. Perozak, Q.C., will be the Co-Chairmen of the Mentor Program pertaining to the criminal matters and John Harper, and Marjoh Agro Levy, solicitors, will be the Co-Chairpersons of the Mentor Program pertaining to Family Law Matters. The program will be operational within a month.

AREA COMMITTEES APPOINTMENTS & RESIGNATIONS

(a) APPOINTMENTS

Essex County

Robert J. Dumont, solicitor

York County

Carole Beckman, solicitor
Paul Green, solicitor
Ethel Myers, community worker
Anne Spencer, life underwriter
Marilyn Medjuck, C.A.S.
Carole Eldridge, investigator, ombudsman
Elliott Rosenberg, president, Shadowfax Resources Ltd.
Lynda Lamb, solicitor
J. David Gorrell, solicitor
John Moore, solicitor

Manitoulin & Sudbury Districts

Robert C. Topp, solicitor
Mrs. Patricia E. Mensour, solicitor

(b) RESIGNATIONS

York County

Gerald R. Kluwak, solicitor
J. A. Sawers, Q.C.
Joseph W. Bovard, solicitor
Mr. Gordon Wolfe

Manitoulin & Sudbury Districts

W. Guy Mahaffy, solicitor

THE REPORT WAS ADOPTED

. . . .

CLINIC FUNDING REPORTS

Mr. Chadwick presented the Report of the Director of Legal Aid, dated 13th May, 1982, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

The Director recommended to Convocation that the report of the Clinic Funding Committee, dated May 11, 1982 be adopted.

The relevant portions of the Committee's report and its recommendations are as follows:

> The Committee reviewed applications for funds from community clinics, and other matters affecting clinics, and recommended funding as follows:
>
> 1. *Applications to the Committee*
>
> Pursuant to s.150(1)(k) of the clinic funding Regulation, the Committee recommended approval of training funds for community clinics, as follows:
>
> Pursuant to the new arrangements, the Clinic Funding Committee reviewed the proposed names and corporate objects for the following community clinics, and was satisfied that the proposed names and objects accord with the requirements of the clinic funding Regulation and the clinic certificates. The Committee therefore recommended approval for the following clinics:
>
> Community Legal Services of Niagara South
> Metro Tenants Legal Services
> Scarborough Community Legal Services
>
> In addition, the Committee reviewed the proposed change of corporate name of Strathcona Community Legal Services; the clinic proposes to be known henceforward by the name Dundurn Community Legal Services. The Committee was satisfied that the proposed change of name is appropriate, having regard to the clinic's location in west Hamilton. The Committee therefore recommended approval of the proposed change of name.
>
> Finally, the Committee reviewed a proposed change of corporate name and objects for the Bloor-Bathurst Information Centre. The clinic recently

relocated and proposed to change its name to Bloor Information and Legal Services. In addition, the clinic recently hired a full-time staff lawyer, and requested an amendment to its corporate objects to provide for the delivery of community legal assistance. The Committee was satisfied that the proposed changes are appropriate, and recommended approval thereof.

THE REPORT WAS ADOPTED

. . . .

Mr. Chadwick presented the Report of the Director of Legal Aid, dated 25th May, 1982, with respect to Clinic Funding.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

The Director recommended to Convocation that the report of the Clinic Funding Committee, dated May 25, 1982 be adopted.

The relevant portions of the Committee's report and its recommendations are as follows:

At its meeting on May 20, 1982, the Clinic Funding Committee considered a number of matters affecting community clinics, as follows:

1. *Review of Initial Funding Decisions for Community Clinics for 1982/83*

The Committee reviewed the initial decisions of the clinic funding staff pursuant to s. 151 of the Regulation on clinic funding. In accordance with the Regulation, the Committee recommended approval of funding for community clinics, as follows:

	Up To
Advocacy Resource Centre for the Handicapped	$ 95,845
Bloor-Bathurst Information Centre	86,861
Canadian Environmental Law Association	236,259
Central Toronto Community Legal Clinic	166,333
Centre for Spanish Speaking Peoples	62,729
Community Legal Education Ontario	204,698
Community Legal Services of Niagara South	165,858
Community Legal Services (Ottawa-Carleton)	166,323
Correctional Law Project	83,551
Flemingdon Community Legal Services	170,247

Halton Hills Community Legal Clinic	87,235
Hastings & Prince Edward Legal Services	110,266
Jane Finch Community Legal Services	159,725
Kinna-aweya Legal Clinic	258,180
Landlord's Self Help Centre	95,948
Legal Assistance Kent	110,905
London Legal Clinic	131,807
McQuesten Community and Legal Services	205,712
Mississauga Community Legal Services	198,237
Neighbourhood Legal Services	205,001
Niagara North Community Legal Assistance	93,146
Rexdale Community Information Directory	152,918
Riverdale Socio-Legal Services	143,407
Rural Legal Services	48,327
Simcoe Legal Services Clinic	87,411
Waterloo Region Community Legal Services	136,564
York Community Services	85,773

The Committee will be proceeding to review requests for leave to appeal from a number of other clinics at meetings scheduled to take place on June 9, 10 and 11, 1982. Following the Committee's review of these requests for leave to appeal, the Committee will forward additional recommendations for approval.

2. *Applications for Incorporation by Community Clinics*

In accordance with the Committee's responsibility for reviewing applications for incorporation submitted by community clinics, for which the Law Society's approval is needed, the Committee reviewed the proposed corporate name and objects for Simcoe Legal Services Clinic.

The Committee recommended approval of the proposed corporate name and objects.

3. *Procedures for Funding New Clinics*

The Committee reviewed its procedures for funding new clinics, and particularly its arrangements for notifying members of the legal profession as to the receipt of an application for the establishment of a community clinic in the province. The Committee's Policy and Procedures Manual, adopted in September, 1981, required the clinic funding staff to give notice of receipt of an application for the establishment of a community clinic to both the local legal aid Area Director and the local Law Association.

The Committee reviewed these procedures in light of concerns expressed, and amended its procedures so that the clinic funding staff are required to notify, in addition to the above, the local bencher of the community from which an application for a new clinic has been received.

The Committee also directed the Clinic Funding Manager to make every effort to ensure that members of the local legal profession are fully aware of applications to the Committee for the establishment of new clinics. The Committee will continue to monitor its arrangements with respect to funding for new clinics in the future.

4. *Advertising by Community Clinics*

The Clinic Funding Committee has reviewed the recommendation of the Professional Conduct Committee, as approved by Convocation, with respect to advertising by community clinics.

In accordance with Convocation's decision, the Clinic Funding Committee directed its staff to prepare a report on advertising by community clinics. In addition, the Committee directed its staff to prepare draft guidelines to be circulated to all clinics with respect to advertising by clinics.

The Clinic Funding Committee will also continue to monitor these arrangements in the future.

5. *Unauthorized Practice in Community Clinics*

The Clinic Funding Committee reviewed a complaint forwarded by The Law Society of Upper Canada with respect to alleged unauthorized practice at Rexdale Community Information Directory.

The Committee has requested information from the Board of Directors of the community clinic, and will be reporting fully on this matter in due course.

At the present time, the clinic employs two lawyers who are members of The Law Society of Upper Canada in good standing: Ivana Petricone and Katherine Renison.

The Committee will continue to monitor this situation and report to Convocation after its investigation has been completed.

It was moved, seconded but *withdrawn* that consideration of the Clinic Funding Report be deferred until the Legal Aid Budget has been considered.

THE REPORT WAS ADOPTED

....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M.

....

CONVOCATION RESUMED AT 2:15 P.M.

....

PRESENT:

The Treasurer and Messrs. Barr, Carthy, Cass, Chadwick, Chilcott, Crane, Fennell, Ferrier, Finlayson, Furlong, Ground, Guthrie, Humphrey, Lamont, Mrs. Legge, Messrs. Lochead, McWilliams, Mills, O'Brien, Pepper, Ruby, Scace, Shaffer, Mesdames Sutherland and Tait, Messrs. Thom, Tobias, Willoughby and Yachetti.

....

SPECIAL COMMITTEE ON IMMIGRATION CONSULTANTS (IMMIGRATION ACT)

Mr. W. D. Chilcott, Chairman, presented the Report of the Special Committee on Immigration Consultants, dated 28th May, 1982. (This Report, originally dated 11th February, 1982, was tabled at Convocation on 26th February, 1982.)

The Special Committee met on June 12th, September 10th and October 15th, 1981 and February 11th, 1982. The Treasurer appointed Messrs. Chilcott, Guthrie, Ruby, Mrs. Sutherland and Mr. Tobias. Mr. Chilcott was Chairman.

INTRODUCTION

This Committee was set up as a consequence of the Minister of Employment and Immigration circulating a discussion paper entitled "The Exploitation of Potential Immigrants by Unscrupulous Consultants" to, amongst others, The Law Society of Upper Canada. Along with the distribution of the paper was the statement that "the views of The Law Society of Upper Canada will be extremely helpful in determining the appropriate responses to the problems in this area".

In the opening page of the paper, the term "IMMIGRATION CONSULTANTS" is used to describe individuals, other than lawyers, who offer advice or representation to immigrants in relation to immigration matters for remuneration.

The improper conduct about which the Minister was concerned was:

(1) charging fees for incompetent service;

(2) charging unduly high fees for simple services;

(3) express misrepresentation and fraud in the extraction of fees.

Complaints along these lines are also made dealing with services provided and fees charged by some lawyers and other professionals.

The paper further went on to point out that these abuses occurred in three distinct situations:

(a) out of Canada;

(b) within Canada;

(c) involving inter-action with government institutions.

From the above, therefore, it was clear that the Minister not only wanted the Society's views with respect to lawyers who are involved in immigration work, but also its views as to controlling other unscrupulous consultants who are not members of the Law Society.

RECOMMENDATIONS

The Committee, therefore, would recommend to Convocation that the Minister be advised as follows:

(1) That any member of the Law Society who can be classified as an unscrupulous consultant under the three heads of improper conduct mentioned above can be properly and effectively dealt with by The Law Society of Upper Canada through the discipline procedure, and if any lawyer's fees were felt to be excessively high, this could be dealt with by the Taxing Officer. The Minister, however, should be aware that complaints must be received so that action can be taken within the six-month limitation period.

(2) That, outside the country, some educational programmes such as broader advertising as to proper immigration procedure and practice in Canada might curtail the activities of these unscrupulous consultants outside the country.

(3) That immigration consultants who expected and received remuneration for their services should be required to work for and under the supervision of lawyers as The Law Society of Upper Canada has regulatory and disciplinary procedures already in place. It was acknowledged that this might be a politically unacceptable proposal; however, it would be the least costly and the quickest to implement, and it was felt would offer the best control.

The subject of licensing consultants was suggested and it was felt that, due to the limited number of consultants in Canada, licensing of individuals by provincial immigration offices could be handled cheaply and effectively if the individuals had taken suitable courses and/or passed examinations.

(4) That those members of the Law Society who specialize in the field of immigration law be encouraged by the Department to go into the ethnic communities in their municipalities with educational programmes respecting immigration.

(5) That only those who were members of the Bar or licensed or working under the supervision of a lawyer, depending on Number 3 above, be permitted to appear at inquiries, examinations under oath or at the Immigration Appeal Board, except those who were appearing without remuneration.

(6) That no further legislation was required to control misrepresentation or fraud in the extraction of fees as the Criminal Code of Canada had ample provisions covering the same.

THE REPORT WAS ADOPTED

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LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Mr. J. J. Carthy (Chairman), Messrs. Arthurs, Crane, Doran, Ferrier, Ground, Lamont, Lerner, Outerbridge, Scace, Shibley and Mrs. Tait.

POLICY

BAR ADMISSION COURSE
PRINTING DEPARTMENT

The Director proposed that the Bar Admission Course Management accept responsibility for full utilization of the

Printing Department capacity, giving first priority to Continuing Legal Education requirements (after Bar Admission requirements) but promoting utilization of the facilities by other organizations such as the Legal Aid Plan. To estimate the proceeds from such outside printing and to establish reasonable charging rates, the Director proposed the commissioning of an indepth cost accounting analysis of the Printing Department costs. *(See p. 247.)*

Approved

CHANGE IN BAR ADMISSION COURSE LECTURE – SEMINAR ORGANIZATION

At Toronto, members will be aware that the lectures and seminars are organized in two shifts. The first shift takes lectures from 9:00 a.m. to 11:00 a.m. and seminars from 11:00 a.m. to 1:00 p.m. The lectures in this shift are live. The second shift takes video taped lectures from 1:00 p.m. to 3:00 p.m. and seminars from 3:00 p.m. to 5:00 p.m. The reason for the two-shift requirement is that at Toronto there are approximately 28 seminar groups (of, ideally, 25 students each) and only 14 seminar rooms.

In order to give each student a fair share of live lecture time, the shifts are changed after each course so that an individual student who is assigned to the morning shift for, say, Civil Procedure I, will be assigned to the afternoon shift for Civil Procedure II.

The students' constantly changing schedule presents problems in the organization of their other commitments during the term, and experience indicates that a significant proportion simply elect to ignore the change in schedule and stay with whichever is most convenient to them – most popularly the morning shift. This has contributed significantly to the reduced attendance in the afternoon seminars and is incompatible with the development of more cohesion within the seminar groups.

The Director proposed to reorganize the schedule in order to avoid any change in the students' schedules during the term. The proposal is as follows:

9:00 a.m. to 10:45 a.m. – seminars for division A
11:00 a.m. to 12:00 p.m. – first lecture (division A and B)
12:00 p.m. to 12:45 p.m. – lunch
12:45 p.m. to 1:45 p.m. – second lecture (division A and B)
2:00 p.m. to 3:45 p.m. – seminars for division B

The proposal depends on accommodating all students in the two lectures, utilizing the two lecture rooms. This cannot be accomplished conveniently with more than 700 students at Toronto.

Approved

BAR ADMISSION COURSE – LATE FILING FEE

The Director asked for direction from the Committee as to how to deal with petitions to waive late filing fees.

The Committee authorized the Director to deal with the question of late filing fees as he considers necessary.

ADMINISTRATION

BAR ADMISSION COURSE TUITION FEE

The Committee was asked to approve an increase in the tuition fee. The Director's recommendations concerning the increase were before the Committee.

The Committee recommended that the tuition fee be increased by 15% to $820.

BAR ADMISSION COURSE 1981/82 REPORT OF THE BOARD OF REVIEW

The final Report of the Board of Review for the 23rd Bar Admission Course 1981/82 was noted by the Committee.

SPECIAL PETITIONS

The Committee had four petitions before it. Two petitions were from students who had failed the 23rd Bar Admission Course. The Committee authorized the Chairman to appoint a committee to consider appeals by way of failure in the 23rd Bar Admission Course and to submit these two petitions to it.

The Committee recommended that the other two petitions be denied. One petitioner requested that a filing fee be waived and the other petitioner who had extensive foreign practice experience sought permission to shorten the articling period.

INFORMATION

COURSE EVALUATIONS

The Director reviewed with the Committee the summary sheets for the Course evaluations which are now complete for all courses in the 1981/82 term. Copies of the computer print-out summaries were before the Committee.

STATISTICAL DATA ON THE SIZE OF FIRMS IN WHICH LAWYERS PRACTISE

The following table shows compilation of data from the recent Law Society study indicating what numbers of lawyers practise in what size of firm. The jurisdiction for the emphasis in the Bar Admission Course on small firm practices is apparent.

Firm Size	*Total Members in Firms*	*% of Practising Members*
1 (members)	2958	27.40
2	1880	17.42
3	1284	11.89
4	764	7.08
5	535	4.96
6–10	1056	9.78
11–15	489	4.53
16–25	374	3.46
26–50	535	4.96
51–75	421	3.90
over 75	499	4.62
	10795	100.00

In the years 1979, 1980 and 1981, 3100 students graduated from the Bar Admission Course and were called to the Bar.

As of the 21st April, 1982, 70% are practising law in private practice in Ontario; 19% are employed in education, Government or "other" employment; 6% are retired and 6% are practising law outside Ontario.

Of the 3100 students in the Bar Admission Course in those years, 13% are practising law as sole practitioners, another 6% are practising law in firms having no lawyers admitted to the Bar earlier than 1978; 21% are practising law in firms of two or three lawyers; 17% in firms with more than four and fewer than eleven lawyers, and 18% in firms having more than eleven lawyers.

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE–Mr. Pepper

Mr. P.B.C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Pepper (Chairman), Brulé, Chilcott, Farquharson, Fennell, Guthrie, Lochead, Ogilvie, Scace and Tebbutt.

ADMINISTRATION

WOODS GORDON

Woods Gordon submitted an interim account for work carried out to March 31, 1982 on the Management and Financial Information Systems Project, in the amount of $7,000.

The Committee recommended approval of this account for payment.

CANADIAN BAR ASSOCIATION

The Canadian Bar Association requested funds amounting to $8,000 from the Society for the Joint Public Relations Programme. The 1981/82 budget allowed $5,000 for this purpose.

The Committee recommended that a payment of $5,000 be made to the Canadian Bar Association.

It was moved in Convocation, seconded and carried that this matter be referred to the Public Information Committee.

EMPLOYEES' PENSION PLAN

New employees are required to complete a year's service before joining the pension plan. Section 5.2 of the plan permits the Society to waive the service requirement for a specific employee or group of employees when it is deemed to be in the best interests of the Society.

Mr. J. J. Carthy, Chairman of the Legal Education Committee, has requested that the service requirement be waived in respect of Mr. S. R. Ellis, Director of Bar Admission Course, who joined the Society staff January 11, 1982. The estimated cost to the Society of an additional year's contributions in respect of Mr. Ellis is $3,675.

The Committee recommends that the request not be approved.

It was moved in Convocation, seconded and carried that the recommendation be amended to provide that the request be approved.

BENCHERS' DISBURSEMENTS

The Society's practice has been to pay automobile allowance at the same rates as is paid by the Government of Ontario. These rates were increased 1st April 1982 from 20 cents per kilometre (32 cents per mile) to 23.5 cents per kilometre (38 cents per mile). If the new rate is approved, it will be paid to Benchers and employees who use their automobiles on Law Society business.

Approved

CLARKSON GORDON ACCOUNTS

The Committee considered the following statement:

1. Preparation and examination of Balance Sheet, etc. 30 June 1981 – $12,000 has been paid against interim billings. A breakdown of the fee and a comparison with last year follows: $19,940.00

	1981 *$*	*1980* *$*	*% increase*
General Funds	7,600	6,800	12
Bar Admission & Continuing Education	4,750	4,200	13
Errors and Omissions Fund	5,590	3,000	86
	17,940	14,000	28
Extra costs re change in accounting principle	2,000	–	–
	19,940	14,000	42

2.	Examination of Errors & Omissions Claims procedures – $10,000 has been paid against interim billing. The fee for this examination was originally estimated at between $10,000 and $15,000.	$18,500.00
3.	Examination of adjusting procedures including $82.30 disbursements.	$ 7,266.80

The Chairman reviewed these accounts with Mr. David Yule.

The Committee recommended payment of the accounts subject to a $2,000 reduction in item 3 from $7,266,80 to $5,266.80.

COST OF CALL TO THE BAR

Cost of Call to the Bar is treated as a general administrative expense, not as an item of cost in the Bar Admission Course. The April 1982 Toronto Calls were held at University of Toronto Convocation Hall rather than at the O'Keefe Centre where they have been held for a number of years. Because of the changed location, receptions for graduates and guests were not held this year.

$8,000.00 of the money thus saved this year was transferred out of the general operating budget into that of the Bar Admission Course where it was used as the Society's contribution to the cost of a graduation dance. In preparing his 1982/83 estimates the Director of the Bar Admission Course requested approval for including a like amount to be spent in April 1983 in the same way as in 1982.

The Committee recommended approval of this request provided the savings are realized in 1983.

ERRORS AND OMISSIONS INSURANCE

Mr. *Victor Smith* has been appointed to the new position of Director of Insurance.

The Committee approved the further addition to the staff of a secretary to Mr. Smith.

LEGAL EDUCATION COMMITTEE

Bar Admission Course – Printing Department

The Legal Education Committee approved the following item at its May meeting:

> The Director proposed that the Bar Admission Course Management accept responsibility for full utilization of the Printing Department capacity, giving first priority to Continuing Legal Education requirements (after Bar Admission requirements) but promoting utilization of the facilities by other organizations such as the Legal Aid Plan. To estimate the proceeds from such outside printing and to establish reasonable charging rates, the Director proposed the commissioning of an indepth cost accounting analysis of the Printing Department costs.

The Committee recommended that this not be approved. It recommended that a joint sub-committee of three be formed with a representative from this Committee, one from Legal Education Committee and one from Continuing Legal Education Committee, which would consider the whole question of the Society's printing requirements and that Mr. Tebbutt be the representative from the Finance Committee.

It was moved in Convocation, seconded and carried that the Finance Committee's recommendation be amended to restrict the joint sub-committee to consider selling printing services outside the Society's functions in Osgoode Hall.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Committee had before it a memorandum listing those law associations that had sent in their Annual Returns for 1981 and setting out the amounts of the grants to which they appear to be entitled under the Regulation in 1981 and 1982. The Libraries and Reporting Committee approved these grants at its meeting on 13th May, 1982, subject to the approval of this Committee.

Approved

EMPLOYEE BENEFITS

The recommendation of the Sub-Committee on Salaries in so far as it applied to benefits was approved, namely:

(a) increase Society's share of OHIP premiums from existing 50% to 75%.

(b) provide a dental plan for employees and dependent spouses and children with basic, periodontic and endodontic care and with the Society paying 75% of the premium.

(c) increase annual vacation from four weeks to five weeks for employees who have completed twenty years service.

MILTON HISTORICAL SOCIETY

The Milton Historical Society has arranged for a tour of the section of Osgoode Hall under the Provincial direction, on the evening of Thursday, June 3, 1982, and would also like a tour of the Benchers' quarters on the same evening, followed by refreshments at their own cost. Mr. Tinsley would be willing to conduct such a tour.

Approved

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Ontario Association of Children's Aid Societies has requested the use of the Small Dining Room for a seminar on Tuesday, June 22, 1982 from 10:00 a.m. until 5:00 p.m. Those participating in the seminar would be lawyers who represent Children's Aid Societies in Ontario and there would be a maximum of 40 – 45 persons.

Approved

ERRORS AND OMISSIONS INSURANCE LEVY

159 members have not paid their Errors and Omissions Insurance levy for the six months period ended June 30, 1982 nor have they filed claims for exemption. Three notices have been sent to each member.

The Committee recommended to Convocation that on May 28, 1982 the rights and privileges of these members be suspended in accordance with Section 36 of The Law Society Act.

See motion to suspend, p. 251.

CHANGE OF NAME

The following requested that their names be changed on the rolls of the Society and submitted the required documentation:

Members

From	*To*
Lisa Anne Borsook	Lisa Ann *Burger* (Married Name)
Lois Jennifer Bradley	Lois Jennifer Bradley *Farrer* (Married Name)
Lynda Catherine Elizabeth Brown	Lynda Catherine Elizabeth *Tanaka* (Married Name)

Student Members

From	*To*
Jose Maciel Amorim	*Joseph* Maciel Amorim (Court Order)
Jane Evanne Beatty	Jane Evanne Beatty *Thompson* (Married Name)

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law requested permission to continue their membership in the Society without payment of annual fees:

Stephen Biro	Toronto
Owen Richard Chapman	Etobicoke

Approved

RESIGNATIONS

Jacob Thiessen of New Dundee applied for permission to resign his membership in the Society and submitted his Declaration in support. Notice of Mr. Thiessen's application for permission to resign was published in the March 5th issue of the Ontario Reports.

Approved

INFORMATION

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Janet Vivien Scott, Q.C. Ottawa	Called – 21 June 1951 Appointed County Court Judge Judicial District of Waterloo – 18 March 1982
James Chowen Kent Brantford	Called – 21 March 1969 Appointed County Court Judge Judicial District of Peel – 18 March 1982

Deaths

The following members have died:

Joseph Antoine Legris, Q.C. Windsor (Life Member)	Called – 17 October 1918 Died – 21 March 1982
Wilbur Ralph Salter, Q.C. Don Mills (Life Member)	Called – 20 October 1921 Died – 31 March 1982
Colin Morris Ardagh Strathy, Q.C. Toronto	Called – 15 June 1933 Died – 2 April 1982
Frederick Roland Charles Ottawa	Called – 17 September 1936 Died – 9 April 1982
Evelyn Harrison, Q.C. London (Life Member)	Called – 15 September 1921 Died – 7 April 1982
Malcolm Huffman Chatham (Life Member)	Called – 20 May 1920 Died – 24 September 1981
Albert Joseph Packer New York, N.Y.	Called – 29 March 1977 Died – 1 April 1982
Raphael Marvin Fingerhut Toronto	Called – 26 March 1965 Died – 17 April 1982
Edward Robert Erskine Carter, Q.C. Toronto	Called – 21 June 1951 Died – 16 April 1982
Clifford Richard Magone, Q.C. Richmond Hill	Called – 17 October 1935 Died – 21 April 1982
Bruce Richard Lokash Mississauga	Called – 10 April 1980 Died – 25 April 1982
Bernard Cohen, Q.C. Windsor (Life Member)	Called – 15 January 1931 Died – 1 February 1982
Philip Stanley Atkinson Toronto	Called – 26 March 1971 Died – 2 April 1982
Nelson McFarlane Stratford	Called – 9 December 1929 Died – 1 May 1982

Disbarments

The following members were disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Joseph Baer Pomerant, Q.C. Toronto	Called – 8 April 1960 Disbarred – Convocation 23 April 1982
Samuel Wetston Mississauga	Called – 20 March 1975 Disbarred – Convocation 23 April 1982
Donald MacGregor Cross London	Called – 20 March 1975 Disbarred – Convocation 23 April 1982
David Allen Blair Belleville	Called – 22 March 1974 Disbarred – Convocation 23 April 1982

Noted

THE REPORT AS AMENDED WAS ADOPTED

. . . .

MOTION TO SUSPEND: ARREARS OF ERRORS AND OMISSIONS INSURANCE LEVY

It was moved, seconded and *carried* that the Barristers and Solicitors whose names were before Convocation and who had failed to pay the levy prescribed under Section 61 of The Law Society Act and had not been granted exemption from coverage, be suspended from 28th May 1982 for a period of one year and from year to year thereafter or until their levies are paid or until applications for exemption from coverage are approved.

The 110 members whose names were before Convocation on 28th May, 1982 were suspended as of that date. Subsequently, 98 were reinstated and the following 12 are still suspended:

Edward John Brogden	St. Albert, Alberta
John Russell Campbell	Toronto
David Roy Gilbert	Toronto

William Eugene Hourigan	Burlington
William Donald Howse	Toronto
Ronald Albert Laing	St. Thomas
George Chi Wah Pih	Toronto
Robert Samuel Richardson	Toronto
Sol Morton Schmelzer	Vancouver, B.C.
Myrtle Isoline Smith	Toronto
Paul David Temelini	Sudbury
John William Walsh	Toronto

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

GENERAL REPORT

Mr. R. D. Yachetti, Vice-Chairman, presented the Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Genest (Chairman), Ruby, Furlong and Yachetti (Vice-Chairmen), Cass, Cooper and Mrs. Sutherland.

POLICY

LAWYER PROMOTIONAL ADVERTISING

The Committee considered the present policy of issuing Invitations to Attend to solicitors who have breached Rule 13 respecting promotional advertising. The Committee recommended that the present practice of issuing Invitations to Attend should continue until the Supreme Court of Canada hands down its decision in the *Jabour* case.

PSYCHIATRIC EXAMINATION OF ACCUSED PERSONS

The Committee considered whether it would be a breach of Rule 8, Commentary 4, for the Crown to retain a psychiatrist to interview an accused person who is in custody after he is aware the accused person is represented by counsel and without first notifying the accused's counsel. The Committee felt the Crown's conduct in such circumstances would be improper and recommended that Senior Counsel, Discipline, contact the

Director of Crown Attorneys expressing the Society's concern about such conduct.

ADMINISTRATION

REQUEST FOR TRANSCRIPT BY CROWN

The Crown Attorney's office has requested a copy of the transcript of an *in camera* discipline hearing at their expense in the matter of disbarred solicitor, *Bruce Alexander Carson.* Mr. Carson was disbarred on July 16, 1981 following the discipline hearing in which an Agreed Statement of Facts was filed on behalf of the solicitor in which the solicitor admitted to misappropriating a large sum of clients' money. The Committee recommended the Society provide the Crown, on receipt of an appropriate search warrant, the transcript requested and the exhibits referred to therein.

Authorization was granted by the Committee to permit Senior Counsel, Discipline to approve accounts not exceeding $5,000 provided such approvals are reported monthly to the Committee.

INFORMATION

The Committee appointed Mr. Ogilvie, Mr. Yachetti and Mrs. Legge to a joint Sub-Committee with the Professional Conduct Committee to review and make recommendations on Solicitor and Client Business Relationships.

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE – Mr. Brulé

Mr. J. R. Barr, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Brulé, (Chairman), Bowlby (Treasurer), Barr, Chadwick, Doran, Farquharson, Mrs. Legge and Mr. Tebbutt. Mr. Victor Smith, Director of Insurance, Mr. Hargraft, Claims Manager, Messrs. Morland and McDonald from Marsh & McLennan Ltd., and Mr. Colin E. Bennett, Under Treasurer were also present.

ADMINISTRATION

Proposal with Respect to the Renewal of the Professional Liability Programme effective July 1982

Marsh & McLennan Limited, the Society's brokers, submitted a proposal which was before the Committee for consideration.

The Committee recommended that, subject to Mr. Smith being satisfied with the company and the provisions as to notice and co-operation, the insurance be placed with Kansa, option 2, i.e.,

Limit	–	$500,000.00 each loss
Deductible	–	$100,000.00 each loss
Stop Loss	–	$8,500,000.00
Per lawyer cost	–	$145.00
For premium to fund the stop loss (i.e. on the basis of 12½% yield)	–	$581.00
Other costs	–	$342.00

Levy – $1,068.00 with $50.00 deduction for experience rating for the year commencing 1st July 1982, payable in two equal amounts at 1st July 1982 and 1st January 1983.

Practice Advisory Service

The Director's report for the month of April was approved by the Committee.

INFORMATION

Counsel Fees

A list of counsel fees paid in April 1982 was before the Committee. The following totals were noted:

Fund Year	*Amount Paid*	
1978	$ 2,064.45	
1979	$ 7,556.04	
1980	$12,127.46	
1981	$47,551.69	
1982	$ 3,195.73	$ 72,495.37

Adjusters' Fees

A list of fees paid in April 1982 was before the Committee. The following totals were noted:

Fund Year	*Amount Paid*	
1977	$ 2,203.20	
1978	$ 8,617.28	
1979	$ 7,585.62	
1980	$17,041.18	
1981	$49,952.76	
1982	$ 5,427.27	
Old Fund	$ 6,055.22	
John Does	$ 9,451.20	$106,333.73

Monthly Report

Mr. Hargraft's monthly report for April 1982 was before the Committee. Totals of claims including defence costs paid in April were noted as follows:

Fund Year	*Claim and Defence Payments*	*Deductible Received*	*Stop Loss Recovery*	*Net Cost to Society*
1977	$ 1,895.84	$ 200.00		$ 1,695.84
1978	$ 28,881.17	$ 9,194.15	$25,636.33	($ 5,949.31)
1979	$ 28,082.00	$ 18,494.91		$ 9,587.09
1980	$ 54,231.02	$ 37,298.21		$16,932.81
1981	$116,773.97	$ 73,216.45		$43,557.52
1982	$ 12,500.00	$ 10,000.00		$ 2,500.00
	$242,364.00[2]	$148,403.72[3]	$25,636.33	$68,323.95

[2] of this amount $115,727.15 is the deductible portion

[3] of this amount $37,208.77 follows the December, January, February and March demand letters.

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. W. D. Chilcott, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Chilcott (Chairman), Bragagnolo (Vice-Chairman), Furlong, McWilliams and Mills.

ADMINISTRATION

1. One account of an investigator was approved.

2. Seven letters were before the Committee. Consideration of one was put over to the next meeting. The circumstances set out in the other six and the Committee's instructions with respect thereto are described below.

One individual who was not a member of the Law Society was acting for plaintiffs and defendants in litigious matters. Another, also not a member of the Society, was incorporating companies for a fee of $500. A third individual, not a member of the Society, was acting as an agent in Provincial Court, both Family and Criminal Divisions, and on real estate transactions. The Secretary was instructed to refer the first of these to counsel for investigation and opinion and to refer the other two to an investigator.

One individual, a notary public who was not a member of the Society, was the subject of two letters. He was holding himself out as a solicitor on his letterhead and acting as an agent in Provincial Court (Family Division) indicating that he was counsel. The Secretary was instructed to refer the matter to counsel for investigation and prosecution under Section 50(1) of The Law Society Act.

The Acting Director of a Legal Aid clinic asked for the Society's approval to a change of name by the clinic. The Committee approved the request and instructed the Secretary to inform the Acting Director.

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mrs. R. M. Tait presented the Report of the Libraries and Reporting Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Farquharson (Chairman), Willoughby (Vice-Chairman), Bragagnolo, Crane, Lerner, Mills and Mrs. Tait. Messrs. C.E. Bennett (Under Treasurer), G. Howell and D. V. Burnett were also present.

ADMINISTRATION

BAR ADMISSION COURSE LIBRARY

The Secretary reported that the Legal Education Committee recommended, and Convocation approved on April 23rd, 1982, that the Bar Admission Course Library be dispensed with – the space to be retained as a study room. The Committee recommended that Mr. W. Rattan, Bar Admission Course Librarian, be transferred to the Great Library staff and included in the Great Library budget for 12 months instead of the previous 6 months.

PROPOSED INCREASE IN ANNUAL GRANT TO COUNTY LAW LIBRARIES

The Secretary reported that Mr. Crane and Mr. Howell discussed with Mr. Carter of the Attorney General's Ministry the matter of increasing the amount of the annual grant to County Law Libraries from $200.

PHOTOCOPIERS FOR COUNTY AND DISTRICT LAW LIBRARIES

The Secretary reported that Mr. Crane and Mr. Howell met with Mr. Carter of the Attorney General's Ministry to discuss the possibility of the Ministry buying photocopiers for the 31 county law libraries that do not now have photocopiers. The Committee recommended that the Chief Librarian write to all 48 County and District Law Libraries and ascertain whether a photocopier provided by the Attorney General's Ministry on either a purchase or a rental basis is requested.

COUNTY AND DISTRICT LAW LIBRARIES ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for 1981. The amounts of the grants which they should receive under the Regulation in 1982 and those that they received in 1981 are as follows:

	1982	*1981*
Carlton	$2,000	$2,000
Durham	2,000	2,000
Essex	2,000	2,000
Grey	2,000	2,000
Halton	2,000	2,000
Huron	1,390	1,320
Lanark	1,425	1,390
Lennox & Addington	760	795
Lindsay	1,425	1,285
Middlesex	2,000	2,000
Nipissing	2,000	2,000
Oxford	2,000	2,000
Peel	2,000	2,000
Renfrew	1,600	2,000
Stormont, Dundas & Glengary	2,000	2,000
Sudbury	2,000	2,000
Temiskaming	970	900
Wellington	2,000	2,000
York Region	2,000	2,000

Approved, subject to the approval of the Finance Committee.

CONSOLIDATED INDEX FOR ONTARIO REPORTS

The Secretary reported that he had spoken to both Butterworths and Canada Law Book Limited and both companies expressed an interest in the preparation of a consolidated index of the Ontario Reports on a commercial basis, and reported that James Dube, counsel for the Society, is considering the legal implications of copyright in such an index.

INFORMATION

BEQUEST OF BOOKS TO LAW SOCIETY

The Secretary reported that Joseph Sedgwick, Q.C., a former Treasurer of the Society, made a bequest of books to the Society. On behalf of the Treasurer, Mr. Pepper selected 40 items from Mr. Sedgwick's personal library, all of which are worth retaining in the Rare Book Collection. The books will be kept together in the Great Library's Special Collection Room. The Chief Librarian expressed the hope that more bequests of this nature would be made to the Law Society for its Special Collection Room. The Secretary was instructed to place a notice to the profession in the Ontario Reports advising the profession of the bequest of books to the Society.

GIFTS AND DONATIONS

The Committee noted that the following gifts and donations had been received by the Great Library:

Miss Eileen Mitchell Thomas, Q.C.	Egerton, Robert – Legal Aid Healy, Wm. – Criminal Youth and the Borstal System

BOOK LIST

A list of 22 new acquisitions by the Great Library was approved.

REPORTING –
ONTARIO REPORTS – COPYRIGHT

The Secretary reported that he had provided James P. Dube, counsel for the Law Society, with information to enable him to draft a reply to Mr. Dupont of Law Library Microform Consortium.

ONTARIO REPORTS

The Secretary reported that a letter was received from J. Dietrich, Q.C., concerning his research on the "Key System" of law reporting.

THE REPORT WAS ADOPTED

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UNFINISHED BUSINESS

Several Discipline matters were adjourned to the June Convocation and a number of Reports were not reached.

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CONVOCATION ROSE AT 5:00 P.M.

. . . .

Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Friday, 11th June, 1982
12:00 noon

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Barr, Carthy, Cass, Chilcott, Farquharson, Ferrier, Finlayson, Furlong, Genest, Lamont, Mrs. Legge, Messrs. Lerner, McWilliams, Noble, O'Brien, Ogilvie, Outerbridge, Pepper, Scace, Shibley, Strauss, Mesdames Sutherland and Tait, Messrs. Thom, Wardlaw, Willoughby and Yachetti.

. . . .

ELECTION OF TREASURER
SECOND BALLOT – FINAL RESULTS

The results of the second ballot were announced by the Secretary as follows:

THE LAW SOCIETY OF UPPER CANADA

ELECTION OF TREASURER 1982

Second Ballot

NUMBER OF ELIGIBLE VOTERS: 53 NUMBER OF VOTES CAST: 52

	Nominee	Votes Received	%	Standing
1.	John Bowlby	27	52	1
2.	James Carthy	7	13	3
3.	Barry Pepper	18	35	2
	NUMBER OF SPOILED BALLOTS:	0		
	NUMBER OF UNCAST BALLOTS:	1		
	TOTAL:	52	100	

Mr. J. D. Bowlby of Hamilton was elected Treasurer for a third term.

On assuming office for another term, the Treasurer addressed the Bench briefly.

The Treasurer indicated his gratification to the Benchers for their support. He stated that he looked forward to an active and challenging year as Treasurer and that he felt that, with the support of the Bench, much could be achieved in addressing the problems facing the Society.

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CONVOCATION ROSE AT 12:20 P.M.

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Confirmed in Convocation 25th June, 1982.

J. D. BOWLBY

Treasurer

MINUTES OF CONVOCATION
(ABRIDGED)

Friday, 25th June, 1982
9:30 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Affleck, Arthurs, Barr, Bragagnolo, Bynoe, Carthy, Cass, Chilcott, Cooper, Crane, Doran, Farquharson, Furlong, Genest, Guthrie, Humphrey, The Honourable Robert Kaplan, Mr. Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Mills, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Shibley, Mrs. Tait, Messrs. Thom, Tobias, Wardlaw and Yachetti.

....

MINUTES

The Minutes of Convocation for the following dates were confirmed:

Convocation – 19th March, 1982
Special Convocation – 6th, 7th, 13th and 14th April, 1982
Convocation – 23rd April, 1982
Convocation – 28th May, 1982
Special Convocation – 11th June, 1982

....

MEETING OF CHAIRMEN AND VICE–CHAIRMEN OF STANDING COMMITTEES WITH PRESIDENTS OF COUNTY AND DISTRICT LAW ASSOCIATIONS AND REPRESENTATIVES OF ONTARIO LAW SCHOOLS

The Treasurer gave a brief oral report on the meeting with the presidents of the County and District Law Associations and the representatives of Ontario Law Schools which took place on Thursday, 24th June, 1982.

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APPOINTMENT OF SPECIAL COMMITTEES

The Treasurer announced that he had appointed two Special Committees as follows:

(i) Mr. *W. D. Chilcott* was named Chairman and Messrs. *Crane* and *Wardlaw* were named members of a Special Committee to liaise with the County and District Law Associations on matters of mutual concern.

(ii) Mr. *L. K. Ferrier* was named Chairman and Messrs. *Carter, Doran, Finlayson* and *Scace* were named members of a Special Committee on Procedures for the Election of Treasurer, the Remuneration of Treasurer and Procedures for Benchers Election.

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ANNUAL MEETING 1982

The Treasurer informed Convocation that the Society's Annual Meeting in 1982 would be held in conjunction with a Continuing Legal Education programme to be presented by the Society and the Canadian Bar Association.

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APPOINTMENT OF SPECIAL COMMITTEE ON THE SOCIETY'S ANNUAL MEETING 1982

The Treasurer named Mr. *I. W. Outerbridge* Chairman, with power to add, of a Special Committee to make arrangements for the Annual Meeting in 1982 in conjunction with the Canadian Bar Association.

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SESQUICENTENNIAL CELEBRATIONS – CANADIAN BAR ASSOCIATION ANNUAL MEETING

Mr. I. W. Outerbridge reported orally on the plans for the celebration of the 150th Anniversary of the Opening of Osgoode Hall at a reception to be held during August in Roy Thomson Hall during the Annual Meeting of the Canadian Bar

Association, immediately preceding a concert to be given in Thomson Hall by Mr. Jon Vickers.

It was moved, seconded and *carried* that the Society allocate $25,000 for the reception to be held in Thomson Hall in August.

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APPOINTMENT OF AUDITOR

It was moved, seconded and *carried* that Messrs. *Clarkson Gordon* be appointed Auditors of the Society for a period of one year from 1st July, 1982.

. . . .

APPOINTMENT OF REPRESENTATIVES

(a) CANADIAN BAR ASSOCIATION

It was moved, seconded and *carried* that the *Treasurer* and Messrs. *R. C. Bragagnolo, R. W. Cass* and *P. B. Tobias* be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1982.

(b) FEDERATION OF LAW SOCIETIES OF CANADA

It was moved, seconded and *carried* that the *Treasurer* and Mr. *R. D. Yachetti* be appointed the Society's representatives to the Federation of Law Societies of Canada.

(c) NATIONAL COUNCIL ON THE ADMINISTRATION OF JUSTICE IN CANADA

It was moved, seconded and *carried* that Mr. *G. F. Henderson* be appointed the Society's representative to the National Council on the Administration of Justice in Canada.

. . . .

ADMISSIONS COMMITTEE–Mrs. Legge

Mrs. L. L. Legge, Chairman, presented the Report of the

Admissions Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Mrs. Laura L. Legge (Chairman), Messrs. Chilcott, Cooper, Ferrier, Lamont, Pepper and Mrs. Sutherland.

ADMINISTRATION

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

The following candidate, having successfully completed the twenty-third Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for call to the Bar and to be granted a Certificate of Fitness:

June Ann Maresca

Special – Regulation 5

The following candidate, having filed the necessary papers, paid the required fee of $200, and complied with the requirements of the Admissions Committee in his particular case, was entitled to be called to the Bar and to be granted a Certificate of Fitness:

Christopher J. Wydrzynski	Faculty of Law University of Windsor

Approved

ADMISSION OF STUDENTS–AT–LAW

Bar Admission Course

A further two candidates, having complied with the relevant Regulations, paid the required fee of $101, and filed the necessary documents, applied under Regulation 26(5) for admission to the Law Society as students-at-law in the 24th Bar Admission Course.

Approved

DIRECT TRANSFER FROM QUEBEC

The Committee considered four applications to transfer to practise in Ontario from members of the Bar of Quebec. All four sought permission to proceed under Regulation 4(2). The four applications were approved.

FULL–TIME MEMBER OF FACULTY OF APPROVED LAW SCHOOL

The following member of an approved law school faculty asked to be called to the Bar and to be admitted as a solicitor without examination under Regulation 5 respecting full-time members of approved law school faculties in Ontario upon payment of a fee of $200. A letter confirming the eligibility of the applicant was received from the Dean of the relevant law school.

Christopher J. Wydrzynski Faculty of Law University of Windsor	B.A. University of Windsor 1970 LL.B. University of Windsor 1973 LL.M. Osgoode Hall Law School of York University 1976

Approved

DEFERRAL OF CALL

A candidate who had successfully completed the 22nd Bar Admission Course in February 1981, petitioned the Legal Education Committee to defer his call to the Bar from April 1981 to April 1982 and that petition was granted. In January 1982, he petitioned this Committee to defer his call to the Bar until June 1982, and that petition was granted.

The Committee considered a further request from him that his call be deferred until the September Convocation, as he was in Jordan, was experiencing transportation difficulties, and will not be back in Toronto until the end of June.

The Committee approved the request and recommended that he be advised that no further extension will be granted.

INFORMATION

JOEL SKAPINKER

Joel Skapinker successfully completed the twenty-second Bar Admission Course in February 1981, but did not meet the requirements of section 28 of The Law Society Act and, therefore, was not eligible for call to the Bar in Ontario.

Mr. Skapinker served a Notice of Motion on the Society on 14th May, 1982. Mr. Brendan O'Brien, Q.C., counsel for the Society, reported on the hearing of the motion brought by Mr. Skapinker for an order that the requirement of Canadian citizenship for call to the Bar is contrary to the provisions of the Charter of Rights, Section 6(2)(b), and consequently invalid. The motion was heard on 27th May, 1982, and judgment was reserved.

THE REPORT WAS ADOPTED

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Mrs. Legge presented the Report of the Admissions Committee of its meeting on Thursday, 24th June, 1982.

The following members were present: Mrs. Legge (Chairman), Messrs. Mills and Wardlaw.

ADMINISTRATION

OCCASIONAL APPEARANCE

Joseph Jules Alain Hogue of the province of Manitoba applied to proceed under Section 6 of the Regulation "Occasional Appearances in Ontario of lawyers from other Provinces" in the matter of *Bruce Bros. Ltd. vs. Pneumatic Drilling Ltd. and Ontario Hydro et al.* Mr. Hogue complied with the requirements of Section 6, presented a Certificate of Good Standing and asked to receive his call to the Bar of Ontario at the June Convocation.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Call to the Bar for an Occasional Appearance

At its meeting on 24th June, 1982, the Committee recommended that the following be allowed to proceed under Section 6 of the Regulation respecting "Occasional Appearances in Ontario of lawyers from other provinces" and that upon giving the necessary undertaking he be called to the Bar of Ontario and admitted as a Solicitor.

Joseph Jules Alain Hogue	Province of Manitoba

Approved

THE REPORT WAS ADOPTED

. . . .

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer:

Christopher James Wydrzynski
Joseph Jules Alain Hogue

. . . .

DISCIPLINE COMMITTEE–Mr. Genest

Re: JOHN M. OZIMAC, Windsor

Mr. R.D. Yachetti, Vice-Chairman, placed the matter before Convocation.

The reporter was sworn.

The matter was first before Convocation on 28th May, 1982, when the solicitor did not attend nor was he represented. Mr. S.E. Sherriff represented the Law Society.

Convocation had before it the Report of the Discipline Committee, dated 18th May, 1982, together with an Affidavit of Service, dated 19th May, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail on 19th May, 1982. Copies of the Report had been sent to the Benchers prior to Convocation.

Mr. Sherriff read a letter, dated 25th May, 1982, to the Law Society from the solicitor, confirming acceptance of short service of the Report and that he would not be in attendance at Convocation.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. He had misappropriated over $100,000 of clients' trust funds.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, copies of which had been sent to the Benchers with the Committee's Report and a copy of which had accompanied the copy of the Report served on the solicitor.

It was moved, seconded and *carried* that the question of penalty stand to the June Convocation.

The solicitor did not attend the June Convocation, nor was he represented by counsel. Mr. Sherriff again appeared for the Society.

Mr. Furlong withdrew from Convocation, took no part in the discussion and did not vote.

The quorum consisted of the following Benchers, all of whom were present on 28th May, 1982 when the matter was first before Convocation.

> The Treasurer and Messrs. Carthy, Cass, Chilcott, Crane, Guthrie, Humphrey, Lamont, Mrs. Legge, Messrs. Lochead, McWilliams, Mills, O'Brien, Pepper, Ruby, Scace, Shaffer, Mrs. Tait, Messrs. Thom, Tobias and Yachetti.

Convocation had before it copies of the Report of the Discipline Committee and the Recommendation as to Penalty of the Discipline Committee.

The Committee's recommendation was that the solicitor be disbarred.

Mr. Sherriff made recommendations as to penalty.

Counsel and the reporter retired.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

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Re: GORDON CARMEN DeMARCO, Windsor

Mr. P. Genest, Chairman, placed the matter before Convocation.

The reporter was sworn.

The matter was first before Convocation on 28th May, 1982, when the solicitor attended with his counsel, Mr. Ian G. Scott, Q.C., and the Society was represented by Mr. Dermot P. Nolan.

It was moved, seconded and *carried* that the matter stand to the June Convocation.

When the matter came before Convocation on 25th June, Messrs. Affleck, Farquharson, Furlong, Pepper and Shibley withdrew from Convocation, took no part in the discussions and did not vote.

Again the solicitor attended with his counsel, Mr. Ian G. Scott, Q.C., and Mr. Dermot P. Nolan represented the Society.

The Report of the Discipline Committee, dated 2nd March, 1982, together with an Affidavit in Proof of Service, dated 17th May, 1982, was before Convocation. Copies of the Report having been sent to the Benchers prior to Convocation, the reading of the Report was waived.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. He had misappropriated, but later restored, over $150,000 belonging to clients during a period when he suffered a mental disorder which resulted in an uncontrollable impulse to gamble.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

The Recommendation as to Penalty of the Discipline Committee (copies of which had been sent to the Benchers with the Report of the Discipline Commitee) was that the solicitor be permitted to resign from the Society.

Mr. Scott made submissions as to penalty.

Mr. Nolan made submissions as to penalty.

Mr. Scott made further submissions respecting penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be permitted to resign from The Law Society of Upper Canada.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded that the Report of the Discipline Committee be vacated and substituted by a finding that the solicitor is incompetent.

The Treasurer ruled the last motion out of order, the Report having been adopted.

It was moved, seconded and *lost* that the solicitor be asked to indicate to Convocation whether he is prepared to undertake, if permitted to resign, not to apply for readmission.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the two motions before Convocation, and informed that the solicitor is entitled to an adjournment because one of the motions would impose a more severe penalty than the one recommended by the Committee.

Mr. Scott waived the right to an adjournment and made further submissions respecting penalty.

Mr. Nolan made submissions in reply.

Mr. Scott made further submissions.

The solicitor, counsel and the reporter withdrew.

The motion for disbarment was *lost*.

The motion that the solicitor be permitted to resign was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the result.

Mr. Scott undertook to Convocation that the solicitor would resign.

The solicitor, counsel and the reporter retired.

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Re: NORMAN PETER WOOLCOTT, Stoney Creek

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The matter was first before Convocation on 28th May, 1982, when the solicitor attended with his counsel, Mr. Ian G. Scott, Q.C., and the Society was represented by Mr. John A. B. Macdonald.

It was moved, seconded and *carried* that the matter stand to the June Convocation.

When the matter came before Convocation on 25th June, Mr. Barr and Mrs. Legge withdrew from Convocation, took no part in the discussions and did not vote.

Again the solicitor attended with his counsel, Mr. Ian G. Scott and Mr. John A. B. Macdonald represented the Society.

The Report of the Discipline Committee, dated 16th March, 1982, together with Proof of Service, dated 16th March, 1982, was before Convocation. Copies of the Report having been sent to the Benchers prior to Convocation, the reading of the Report was waived.

Mr. Scott made no objection to the Report except to note one inaccuracy with respect to a reference to a section of The Law Society Act.

The Report of the Discipline Committee found the solicitor guilty of professional misconduct. He had transferred to his general account from trust a number of amounts representing fees without first delivering a bill or notifying his client and had failed to account for some monies he held in trust for the purpose of investment.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

The Recommendation as to Penalty of the Discipline Committee (copies of which had been sent to the Benchers with the Report of the Discipline Committee) was that the solicitor be reprimanded in Convocation and ordered to pay the expenses of the Society incurred in the investigation and hearing of the Complaint, in the amount of $8,400, within one year of the date of such Order.

Mr. Macdonald made recommendations respecting penalty and urged that the solicitor be suspended.

Mr. Scott made submissions respecting penalty and asked that the amount of costs reflect only the costs related to complaints which were established and which would amount to $1,750.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order reprimand the solicitor in Convocation and that he be required to pay the expenses of the Society incurred in the investigation and hearing of the Complaint in the amount of $1,750, within one year of the date of the Order.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that had been adopted.

The solicitor waived his right of appeal and requested that the reprimand be administered forthwith.

Counsel and the reporter retired.

The solicitor was reprimanded by the Treasurer.

The solicitor retired.

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Re: DOUGLAS ALAN LITTLE, Kettleby

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The solicitor did not attend and he was not represented. Mr. S.E. Sherriff appeared for the Society.

Convocation had before it the Report of the Discipline Committee, dated 4th May, 1982, together with an Affidavit of Service, dated 27th May, 1982, by Brian Ross Fraser that service had been effected on the solicitor by both registered and ordinary mail directed to the solicitor at his last known address on the records of the Society and also directed to the solicitor at his residence address as determined by an investigator on behalf of the Society.

The Report of the Discipline Committee had been sent to the Benchers prior to Convocation and the reading of it was waived.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. He had forged the signature of the Surrogate Court Registrar on Letters Probate and attached his notarial certificate to the forged document; he had failed to maintain sufficient money on deposit in his trust account to meet his obligations to clients; and he had failed to co-operate with the Society's auditors.

It was moved, seconded and *carried* that the Report of the Discipline Committee be adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee (copies of which had been sent to the Benchers with the Report of the Discipline Committee), namely, that the solicitor be disbarred.

It was moved, seconded and *carried* that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Counsel and the reporter retired.

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GENERAL REPORT

Mr. Genest presented the General Report of the Policy Section of the Discipline Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Genest (Chairman), Furlong, Ruby and Yachetti (Vice-Chairmen), Cass, Cooper, Ogilvie and Mrs. Sutherland.

POLICY

ORDERING SOLICITORS TO PAY STAFF COSTS

The Committee discussed whether the Society's staff costs should be included in an order under Section 40 that the solicitor pay the expenses incurred by the Society in a discipline matter. The enabling section (Section 40) reads as follows:

> "... may be ordered to pay the expense, or part of the expense incurred by the Society in the investigation or hearing of any complaint in respect of which he has been found guilty."

The Committee was of the view that the present legislation does not permit the Society's overhead expenses, such as staff costs, to be covered by an order under Section 40. The Committee recommended that the Society continue only out-of-pocket expenses such as counsel fees and court reporters in an order made under Section 40. The Committee recognized this policy results in unequal treatment of solicitors prosecuted by staff counsel vis-à-vis outside counsel. However, the proposed legislation will permit the imposition of fines which should rectify this problem.

PRACTICE DIRECTION

The Committee approved a Practice Direction for counsel appearing before the Discipline Committee, a copy of which is attached. *(See below.)*

ADMINISTRATION

RECOVERY OF DISCIPLINE COSTS

The Committee considered the request of a solicitor, who was reprimanded in Committee in 1974 and ordered to pay the Society's costs, for an exemption from further payments of his costs on the grounds of financial hardship. There remains outstanding since March 1975 the sum of $5,398.82. The Committee recommended that the remaining payments not be forgiven and that the solicitor be asked to make arrangements for the gradual payment of his outstanding obligation for costs.

ATTACHMENT:

THE LAW SOCIETY OF UPPER CANADA

PRACTICE DIRECTION

APPEARANCES BEFORE THE

DISCIPLINE COMMITTEE

Counsel appearing before the Discipline Committee on behalf of solicitors charged with professional misconduct or conduct unbecoming should be guided by the following directions from the Discipline Committee:

Ineligible counsel

(a) Counsel who are members of firms having bencher members are not permitted to appear before the Discipline Committee or Convocation.

Avoiding unnecessary attendances

(b) Counsel may be able to avoid unnecessary attendances by themselves or by the solicitors charged with respect to adjournments and fixing dates to proceed in the event that timely arrangements are made through Senior Counsel – Discipline.

Function of first appearance

(c) The first appearance before the Discipline Committee will normally not be a date upon which the hearing will proceed. However, the Society reserves the right to proceed ex parte following compliance with the service requirements of the Law Society Act on the date of the first appearance in the event the solicitor in question does not appear and is not represented by counsel to the knowledge of the Society. In the normal course, a date will be set for the hearing to proceed at the first appearance.

Pre-hearing conferences

(d) Pre-hearing conferences between counsel for the solicitor and counsel for the Society are strongly recommended. Counsel for the Society have been instructed to make full disclosure of the evidence available to the Society well in advance of the hearing.

Agreed Statements of Fact

(e) The benchers encourage that Agreed Statements of Fact be prepared by counsel and filed as all or part of the evidence in the hearing. Counsel are therefore encouraged to agree to dispense with proof of facts that are not at issue. Counsel may be called upon to explain to the Discipline Committee hearing the matter why proof of uncontested facts was not dispensed with in considering an application by the Society to recover costs.

Undertakings respecting practice

(f) Where circumstances warrant, the Society may seek an undertaking not to practise or an undertaking restricting practice as a condition of the Discipline Committee granting the Solicitor an adjournment at his request and accordingly counsel should attend prepared to speak to such issues.

Related criminal proceedings

(g) Where the subject matter of the Complaint is identical to criminal charges pending before the criminal courts, the Society will not ordinarily seek to proceed pending the completion of the criminal trial. However, the Society may proceed under the following circumstances:

   (a) where the criminal proceedings are unduly prolonged; or
   (b) where the solicitor in question refuses to give or to honour undertakings not to practise or undertakings restricting practice as directed by the Discipline Committee as a condition of adjournment; or
   (c) in any other case where the public interest requires.

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

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The Treasurer and Benchers had as their guests for luncheon His Honour Judge James D. Carnwath of the Judicial District of Halton and Mr. Niall McCarthy, President of the Law Council of Ireland, and Mrs. McCarthy.

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CONVOCATION RESUMED AT 2:15 P.M.

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PRESENT:

The Treasurer and Messrs. Affleck, Arthurs, Barr, Brulé, Bynoe, Carthy, Cass, Chilcott, Crane, Doran, Farquharson, Furlong, Genest, Lamont, Mrs. Legge, Messrs. Lerner, Lochead, McWilliams, Mills, O'Brien, Ogilvie, Outerbridge, Pepper, Ruby, Scace, Shaffer, Shibley, Mrs. Tait, Messrs. Thom, Tobias, Wardlaw and Yachetti.

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LEGAL AID COMMITTEE – Mr. Chadwick

Mr. R. D. Yachetti presented the Report of the Legal Aid Committee of its meeting on Wednesday, 9th June, 1982.

The following members were present: James B. Chadwick, Chairman, Mr. Bragagnolo, Ms. Cornish, Messrs. Ellis, Ferrier, Mrs. Fleming, Mrs. Jarmain, Messrs. Jones, Lamb, Ms. Leering, Mr. Ogilvie, Mrs. Smyth, Mrs. Tait, Messrs. Wallace and Yachetti.

The following observer members were also present: Robert Holden, solicitor, and Paul Copeland, solicitor, for the Criminal Lawyers' Association, and Victor Paisley, solicitor, for The Advocates' Society.

POLICY

TARIFF – HOUSEKEEPING AMENDMENTS

The Legal Aid Committee after in depth review approved the "Housekeeping Amendments" to the Criminal and Civil Legal Aid Tariffs. The following is a list of the amendments in the *Criminal Tariff:*

> Heading to Group I; Section 1; Section 2; Heading to Group II; Section 4; Section 5; Section 10; Section 13; Section 16; Sections 18 and 19 deleted; Section 20; New Section 31(a); Section 33; Note B and Note G amended.

Following is a list of the amendments in the *Civil Tariff:*

> Heading to Item (1); Section 4(b); Section 6(b) & (c); Note added to Section 8; New Section 9(iii)(iv)(D); Section 10; New Section 16(d); Section 17; Sections 18 and 19 deleted; Section 33(a); Note B amended and Note G added.

A copy of the "Housekeeping Amendments" was before Convocation.

AMENDMENTS TO THE LEGAL AID REGULATIONS AND FORMS

The proposed Amendments to the Legal Aid Regulations and Forms were distributed to the Benchers at the April Convocation. On April 7th, 1982, the Chairman of the Legal Aid Committee wrote to the Benchers requesting that in order to avoid lengthy discussions in Convocation if a bencher had any inquiry, comment or recommendation with reference to the Amendments, these be communicated to him no later than June 1, 1982. No comments or recommendations were received. The Treasurer was requested to place this matter on the June Convocation agenda. The Chairman's letter dated April 7th, 1982, and the Proposed Amendments were before Convocation.

AREA DIRECTORS' OFFICES

The Legal Aid Committee approved the recommendation of the Sub-Committee appointed to review Area Directors' Retainers, under the chairmanship of George E. Wallace, Q.C., that there be a limited number of spot checks made by the provincial office staff on the operation of the area legal aid offices to determine the efficiency of the administration of the Plan through local area offices.

AUTOMATING THE ADMINISTRATION PROCEDURES OF THE ONTARIO LEGAL AID PLAN

The Legal Aid Committee approved the Terms of Reference outlining the proposed Systems Services to be provided by the Ministry of the Attorney General to the Ontario Legal Aid Plan. These Terms are to be the basis of a study and a report on alternative methods of automating the Plan's administrative procedures including the legal accounts department.

INFORMATION

TARIFF INCREASE

(a) In May, Convocation approved the Legal Aid Committee's recommendation that the criminal and civil legal aid tariffs be increased by 30%, that figure being the approximate increase in the cost of living since the last tariff increase of April 1, 1979. The Chairman of the Committee was requested to make submissions to the Attorney General for a 30% increase effective April 1, 1982.

A copy of the Chairman's letter of June 3, 1982, to the Honourable R. Roy McMurtry, was before Convocation.

(b) The Chairman of the Legal Aid Committee forwarded to the presidents of the county and district law associations a letter urging association members to contact their local Members of the Legislative Assembly and Cabinet Ministers to support the Attorney General in his application for adjustment to the Tariff. A copy of this letter was also before Convocation.

REPORT OF THE DEPUTY DIRECTOR

Finance

The Director's report pursuant to Section 95(2) for the first month of the new fiscal year shows that payments from the Legal Aid Fund totalled $3,656,000, being approximately $600,000 less than budget, Income from all sources totalled $4,308,000, leaving a balance in the Fund at April 30, 1982, of $652,000.

Statistics

During the month of April, the number of persons making contact with area offices totalled 18,694, compared with 18,705 in 1981. Certificates issued show an increase of 187.

Renewal of IBM Canada Limited Data Processing Contract

The Legal Aid Committee approved a memorandum from the Deputy Director requesting authorization to renew the data processing contract with IBM for a period of one year.

REPORT OF THE LEGAL ACCOUNTS OFFICER

Reviews

	April 1982	1 Month to April 30/82	1 Month to April 30/81
Reviews on hand	962		
Reviews received	116	116	159
	1078		
Settlements reviewed in	107	107	168
Settlements awaiting review	971		
	1078		

Appeals

	February	March	April
Appeals to Taxing Officer received during	1	1	1
Appeals heard by Taxing Officer	–	–	–
Appeals pending at the end of the month	1	1	2

Statistics

	1982/83 Fiscal Year		1981/82 Fiscal Year	
	Month of April 1982	1 Month to April 1982	Month of April 1981	1 Month to April 1981
Accounts on hand at beginning	8493	8493	12524	12524
Accounts received	6231	6231	5612	5612
Total Accounts to be processed	14724	14724	18136	18136
Less: Files Cancelled	35	35	31	31
Accounts processed	5420	5420	6026	6026
Balance	* 9269	9269	12079	12079

In addition to the number of accounts for services completed there were:

Interim Accounts	545	545	450	450
Supplementary Accounts	295	295	348	348
Total	840	840	798	798

*Of this number 500 accounts have been examined, letters have been sent to solicitors and further information is awaited.

Accounts distributed for examination on May 3, 1982 were received on the following dates:

Criminal	April 6, 1982	*Civil*	April 5, 1982

PUBLIC INFORMATION

A Report from the Public Information Officer on the May Legal Aid Committee Meeting held in Hamilton was before Convocation.

SOCIAL WORKERS PROJECT

A Report from the Special Projects Coordinator on the Social Workers Project in Ottawa wherein a social worker provides a lawyer with information which identifies a client's problem and facilitates a dispositional plan for the client was before Convocation.

GROUP APPLICATIONS AND GRANTING OF CERTIFICATES FOR TEST CASES

The Sub-Committee under the chairmanship of J. Roderick Barr, Q.C., appointed to look into the granting of legal aid in fields which may generally be defined as class actions, group actions or test cases, reported on cases considered, the recommended disposition of the applications received and the reasons therefor.

A copy of the Sub-Committee's Report was before Convocation.

AREA COMMITTEES

(a) RESIGNATIONS

Elgin County

Richard W. Arnold, solicitor

Victoria & Haliburton

W.A. Scott, Q.C.

Waterloo County

Mrs. Vivian Batke
Mr. J.H. Tait
Mr. W.I. Sholinsky

(b) APPOINTMENTS

Elgin County

The Most Reverend Father Patrick J. Costello

Waterloo County

Mrs. A. Moore
Brian Law, solicitor
T.J. Billo, solicitor
Jack Cornell, solicitor

THE REPORT WAS ADOPTED

....

CLINIC FUNDING REPORT

Mr. P. B. Tobias presented the Report of the Director of Legal Aid dated 16th June, 1982.

CLINIC FUNDING

The Clinic Funding Committee submitted a report to the Director recommending funding for various projects.

The Director recommended to Convocation that the report of the Clinic Funding Committee dated June 16, 1982 be adopted.

The Clinic Funding Committee's report is as follows:

> The Clinic Funding Committee met on June 9 and 10, 1982. Present were: Peter Tobias, Q.C., Chairman, Hugh Guthrie, Q.C., Vice-Chairman, Glenn Carter, Douglas Ewart, Berta Zaccardi.
>
> The Clinic Funding Committee also met on June 11, 1982. Present were: Peter Tobias, Q.C., Chairman, Glenn Carter, Douglas Ewart, Berta Zaccardi.
>
> At its meetings, the Committee considered a number of matters affecting community clinics, as follows:
>
> 1. *Requests for Leave to Appeal to the Committee, Pursuant to S.152 of the Clinic Funding Regulation*
>
>   Pursuant to s.152 of the clinic funding Regulation, the Committee reviewed initial decisions of the clinic funding staff and requests for leave to appeal submitted by a number of clinics. In each case, the Committee reviewed written Statements of Position filed by the clinic funding staff and by individual clinics. In some cases, the Committee granted leave to appeal to clinics, and conducted oral hearings in these appeals on June 10. The Committee met on June 11 to finalize its

decisions.

In accordance with the Committee's responsibilities pursuant to the Regulation on clinic funding, the Committee is now preparing written reasons for its decisions with respect to clinics' requests for leave to appeal. The Committee recommends Convocation's approval of funding for these community clinics, as follows:

a. *Funding for clinics in accordance with initial funding decisions*

The Committee has finalized funding allocations for those clinics for which leave to appeal was denied, for which clinics requested leave to appeal on issues other than funding allocations (such as terms and conditions of funding), and in which clinics withdrew their requests for leave to appeal.

The Committee therefore recommends Convocation's approval of funding for these clinics, subject to the Committee's final decisions as to terms and conditions, as follows:

	Up to
Dundurn Community Legal Services (formerly Strathcona Community Legal Services)	137,140
Injured Workers' Consultants	245,603
Legal Assistance of Windsor	249,890
Metro Tenants Legal Services	197,791
Sudbury Community Legal Clinic	200,532
West End Legal Services (Ottawa)	115,962

b. *Funding allocations to be finalized by the Committee*

Pursuant to the Regulation, the Committee is finalizing its decision in those clinic appeals for which oral hearings were conducted on June 10, 1982. At present, the Committee is recommending Convocation's approval of funding allocations for these clinics, subject to final adjustments to be made in accordance with the Committee's decisions in these clinic appeals. The Committee will report its final decisions in due course. The Committee therefore recommends Convocation's approval of funds for these clinics, as follows:

	Up to
Industrial Accident Victims Group of Ontario	187,549
Keewaytinok Native Legal Services	133,256
Kenora Community Legal Clinic	99,986
Parkdale Community Legal Services	563,421
Scarborough Community Legal Services	171,618

2. *Special Funding Arrangements*

At its meeting on June 10, the Clinic Funding Committee also reviewed two special matters affecting funding for clinics, as follows:

a. *Tenant Hotline*

The initial funding decision for Tenant Hotline for 1982/83 was delayed. By letter dated June 10, 1982, the clinic requested leave to appeal the initial decision of the clinic funding staff. The Committee anticipates that Statements of Position will be filed by the clinic funding staff and by the clinic, and that the appeal will be determined by the Committee during the summer. The clinic's appeal is on the grounds of the terms and conditions of its funding for 1982/83; the clinic is not requesting leave to appeal with respect to any funding allocation.

Taking into account that no funding allocations are at issue, the Committee recommends Convocation's approval of funding for the clinic in the amount of the initial funding decision of $197,581, subject to the Committee's determination of the clinic's request for leave to appeal with respect to the terms and conditions of the clinic's funding for 1982/83. Funds will not be provided to the clinic at the 1982/83 rate, pending the Committee's determination of the terms and conditions.

b. *Centre for Spanish-Speaking Peoples*

The Clinic Funding Committee approved in principle the addition of a community legal worker to the existing staff of the Centre (one lawyer and one secretary) in January, 1981, pending completion of a review of the Centre's operations by the clinic funding staff. The review is due to be completed in July, 1982, and the Committee therefore recommends additional funding for the Centre for Spanish-Speaking Peoples in an amount of up to $16,000, representing funding for a community legal workers, effective July 1, 1982, subject to the terms and conditions of funding to be finalized by the Committee. Funds will not be made available to the clinic for the additional staff position until after the Committee has reviewed and finalized the terms and conditions of funding for the additional staff position.

3. *Advertising by Community Clinics*

In its report to Convocation dated May 25, 1982, the Committee stated that it had reviewed the recommendations of the Professional Conduct Committee, as approved by Convocation, with respect to advertising by community clinics.

In accordance with Convocation's approval, the Clinic Funding Committee directed its staff to report on advertising by community clinics. The Clinic Funding Committee's report on the arrangements for advertising by community clinics is attached as *Schedule A*.

In accordance with Convocation's approval, the Clinic Funding Committee also directed its staff to prepare draft guidelines to be circulated to all clinics, as draft policy guidelines, with respect to advertising by clinics. The Committee has requested comments and suggestions from community clinics on this topic, which are to be forwarded to the Committee no later than July 31, 1982; the Committee will then review any comments and suggestions received and finalize its guidelines for clinic advertising. A copy of the draft guidelines circulated to clinics is attached as *Schedule B*.

The Clinic Funding Committee will continue to monitor the advertising arrangements for community clinics in the future.

SCHEDULE A:

REPORT ON CLINIC ADVERTISING

Community legal clinics are funded by the Ontario Legal Aid Plan to make clinic legal aid services generally available to the public. Because of this overall purpose for clinics, their advertising is directed to identifying the types of services offered by clinics, as well as when and where such services are available. By means of advertising, clinics meet their primary purpose pursuant to s.150(2) of the clinic funding Regulation of making legal aid services "accessible".

Clinics employ the following methods of advertising:

1. *Signs:* Prominent display signs on the outside of clinic offices, identifying the name of the clinic, and sometimes indicating that free legal advice is available. Other information on clinic signs may include office hours, languages spoken, and words such as "A Service of the Ontario Legal Aid Plan". The lettering on some such signs (i.e. the name of the clinic) may exceed 6 inches in height.
2. *Brochures and Pamphlets:* Nearly all clinics have a standard brochure which describes in detail the purposes of the clinic, the range of services available, the areas of law in

which service is given, languages spoken, office hours, staff composition (e.g. that a qualified solicitor is available, or that law students are utilized), and sometimes a reference to the fact that the clinic is managed by a Board of Directors elected from the community. Most also refer to funding from the Ontario Legal Aid Plan. The brochures are typically made available at the clinic, at offices of appropriate social service agencies (e.g. CAS, welfare office, UIC/Manpower) as well as other places where the target clientele regularly gathers (e.g. churches, Information Bureaux). The brochures are often also mailed to professionals (including lawyers) and others who are likely to have occasion to refer clients to the clinic.

3. *Listings:* Many clinics are listed in community resources directories, under "Legal Services". These listings vary from a single line to modest "display ads" which indicate the types of services provided, office hours, and the address and phone number.

4. *Newpapers:* Although few clinics have sufficient funds to run prominent ads, clinics sometimes put small "display ads" in newspapers, advertising the clinic and its services – particularly if new services are being offered, or the clinic has moved to a new address. These ads normally appear in small community newspapers, and many are donated as a community service by the newspaper. A small number of clinic lawyers provide regular Legal Information columns on particular topics to local newspapers.

5. *Television/Radio:* Some clinics advertise their services on community cable stations, under "Public Service Announcements". These include announcements of annual meetings, legal education seminars, as well as "community resource" listings. Some clinics have participated in cable T.V. shows – usually providing legal information, as well as advertising the availability of the clinic's services. A few clinics have been the subject of more in-depth documentary-style cable productions which describe the services offered, and the operation of the clinic.

6. *Telephone Directories:* In addition to being listed under their names in the white pages, many clinics are listed by name under "Lawyers" in the yellow pages (but not under the geographic or areas of specialty headings).

7. *Educational Materials:* Most clinics distribute a range of pamphlets giving legal information, which may also indicate the availability of services from the clinic.
8. *Other:* Clinics also use posters with general information about the clinic, or of the topical, "Did you Know?" variety, on particular legal points of interest to low-income clients. Special events advertising (e.g. a seminar on UIC) may take this or any appropriate form listed above.

The Clinic Funding Committee is satisfied that the above advertising methods are appropriate for community clinics, having regard to the purposes for which clinics have been established pursuant to the Regulation.

SCHEDULE B:

CLINIC FUNDING COMMITTEE

DRAFT POLICY GUIDELINES: ADVERTISING BY CLINICS

The Clinic Funding Committee is satisfied that it is appropriate for community clinics to advertise their services for the purpose of increasing the access of low-income citizens to the legal aid services and legal information available from clinics. In accordance with the recent decision of Convocation of the Law Society of Upper Canada to exempt clinics from Rule 13 of the Professional Conduct Rules, clinic advertising must meet the standards of good taste and accuracy. The Committee has therefore adopted the following guidelines for clinic advertising:

a. All clinic advertising must be accurate and in good taste.
b. Clinic advertising may indicate that clinic services are free but should not do so without adding the qualification that such services (other than summary advice) are available only to those who are financially eligible.
c. Detailed promotional advertising (e.g. pamphlets) should indicate that services may be provided by both lawyers and non-lawyers (where appropriate.)
d. Professional cards should not be capable of misleading the public; for example, those of community legal workers should say "Community Legal Worker" so as to clearly indicate that the CLW is not a lawyer.
e. Where appropriate, clinic advertising should indicate that the clinic is funded by the OLAP.

THE REPORT WAS ADOPTED

....

LEGAL EDUCATION COMMITTEE–Mr. Carthy

Mr. J. J. Carthy, Chairman, presented the Report of the Legal Education Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Mr. J. J. Carthy, Chairman, Messrs. Barr, Ferrier, Lamont, Lerner, Outerbridge, Noble, Scace, Shibley, Mrs. R.M. Tait, Messrs. Thom and Wardlaw.

POLICY

CALL TO THE BAR 1983

The Director proposed that approval be given for the location and time of the 1983 Call to the Bar ceremonies at Toronto, Ottawa and London. The proposal is as follows and is subject to the availability of the locations listed:

Toronto	– 8:00 p.m.	– Wednesday, April 6th, 1983)	University of Toronto,
Toronto	– 8:00 p.m.	– Thursday, April 7th, 1983)	Convocation Hall
Ottawa	– 2:30 p.m.	– Monday, April 11th, 1983	National Arts Centre
London	– 2:30 p.m.	– Wednesday, April 13th, 1983	Althouse Faculty of Education

Approved

CURRICULUM APPROVAL 1982–83

The Director asked for approval of the curriculum changes as reflected in the final draft of the revised timetable, a copy of which was before the Committee.

Approved

TORONTO DAILY SCHEDULE OF LECTURES AND SEMINARS

The lecture and seminar schedule at Toronto has been modified from that approved at the May meeting. The proposed schedule is as follows:

9:00 a.m. – 10:45 a.m. – Plenary Session, both divisions

11:00 a.m. – 12:50 p.m. – Workshops, division A from September 1st to November 30th inclusive and division B from December 1st to February 28th inclusive

1:10 p.m. – 3.00 p.m. – Workshops, division B from September 1st to November 30th inclusive and division A from December 1st to February 28th inclusive

The advantages offered by this schedule are as follows:

1. The lectures run only once and everyone has an equal chance to see them live.
2. Both workshops follow the lectures.
3. The format may be readily adjusted to accommodate three or four hours of lectures on any particular day.
4. The need for continually changing the students' schedules is avoided.
5. The afternoon workshops finish at 3:00 p.m., two hours ahead of the current schedule.

It is appreciated that students assigned to the afternoon seminars will have to wait around for two hours but since one of those will be devoted to lunch it seems to be, amongst a variety of imperfect choices, probably the best. Also, the lecture rooms will be available as study rooms during this period.

The reason for reducing the workshop hours from two hours to one hour and fifty minutes is two-fold:

1. Most importantly it allows for a twenty minute overlay in the luncheon meeting of the morning and afternoon seminar group leaders to permit discussion of how the course is going, common problems that are arising, etc.
2. With an hour and fifty minutes it is feasible to run the workshop through without a break in the middle which should contribute to the cohesiveness of the proceedings.

Approved

GROUP LEADER EVALUATION REPORTS AND ATTENDANCE AT MORNING AND AFTERNOON WORKSHOPS

The Director sought approval for dispensing with group-leader evaluation of students and with the taking of attendance at workshops.

Approved

CHANGES IN THE GRADING POLICY AND MARKING SYSTEM

The Director sought the Committee's approval for the marking and grading policy set out in his memorandum to the Committee, dated May 10th, 1982, copies of which were previously distributed to the Committee.

Approved, subject to the deletion of the proposal to include students in the marking teams.

ADMINISTRATION

SPECIAL PETITIONS

The Committee considered a further petition from a member of the Bars of Quebec and Ontario who had earlier been granted permission to enter the teaching term of the Bar Admission Course upon completion of a reduced period of articles. Having experienced difficulty in completing articling arrangements with the principal he had originally proposed, he requested permission to increase the period of articles and to serve them with a different principal. The Committee recommended that the petition be denied. *It was moved in Convocation, seconded and carried that the petition be granted.*

The Committee considered a petition from a petitioner who had completed the British Columbia Bar Admission Course, including the full articling term of one year, and expected to be called to the Bar of that province in July. He sought permission to enter the teaching course of the Society's Bar Admission Course in September 1982 and to modify or shorten the period of service under articles which he had arranged to commence on 17th May, 1982 with a member who practises in Toronto. The Committee recommended that the petitioner be allowed to article from 17th May to 1st September, 1982 in full of the articling requirement.

The Committee had before it a petition from an English barrister who expects to receive a Certificate of Qualification from the Joint Committee on Foreign Accreditation after successfully completing the examinations required of him by that Committee and wishes to enter the articling term of the Bar Admission Course in September 1983. This petitioner requested that he be allowed to serve a shortened period of service under articles for reasons set out in his petition. The Committee recommended that this petition be denied.

Lastly, the Committee considered a petition from a petitioner who had completed the Bar Admission Course but had been unable to enter the teaching term because of ill health and the need to support her husband and their child (while the former completed the Bar Admission Course and entered the practice of law). She wishes to enter the teaching term in September 1982 and requested that the five-year limitation period be extended to permit her to do so. The Committee approved this petition.

BAR ADMISSION COURSE FACULTY APPOINTMENTS AND CHANGES

The Director recommended the following faculty appointments and changes:

Charter of Rights – Administrative Law Remedies

Garry J. Smith, Q.C.	Section Head	– Toronto
David W. Scott, Q.C.	Senior Instructor	– Ottawa
Earl A. Cherniak, Q.C.	Senior Instructor	– London

Employment Law

Mary F. Cornish	Evening Course Leader	– Toronto

Creditors' and Debtors' Rights

Frank Bennett	Section Head	– Toronto

Resignation of Gordon Marantz, Q.C. as Section Head of Creditors' and Debtors' Rights Section – Toronto

The Committee was advised of the resignation of Mr. Marantz. Mr. Marantz has been Section Head of the Creditors' and Debtors' Rights Section for four years, and during that period he has given dedicated and effective leadership to that course. His resignation was accepted with regret. It was recommended that the Committee communicate to Mr. Marantz its appreciation of his valuable service.

Approved

INFORMATION

ARTICLING EVALUATIONS

The Committee noted the Director's preliminary report on the return from the articling evaluation forms. This report was before the Committee in April and again in May and allowed to stand.

BUDGET ESTIMATES

A tentative budget balance sheet showing estimated expenditures and receipts and reflecting the changes flowing from the discussion at the last meeting as well as Convocation's approval of a 15% tuition fee, was before the Committee and noted.

INCORPORATION OF FACULTY RESUMES IN BAR ADMISSION COURSE MATERIALS

The Committee was informed that the Director plans to have relevant biographical data on section heads, guest lecturers, senior instructors and group instructors included in the Bar Admission Course materials.

FINANCIAL STATEMENTS

The financial statements for the eleven month period from 1st July, 1981 to 31st May, 1982 for the Bar Admission Course were noted.

THE REPORT AS AMENDED WAS ADOPTED

……….

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 10th June, 1982, to consider the Report of the Sub-Committee on Salaries.

The following members were present: Messrs. Pepper (Chairman), Brulé, Fennell, Guthrie, Lochead, Ogilvie and Tebbutt.

ADMINISTRATION

REPORT OF SUB–COMMITTEE ON SALARIES

At its meeting on May 13, 1982, the Committee approved part of the Report of the Sub-Committee on Salaries which dealt with employee benefits. The remainder of the report dealing with employees' salaries was before the Committee. The Committee recommended approval of this report.

Further to the approved changes in benefits, the Sub-Committee also reviewed the maximum benefits payable under policies of life insurance, accident insurance and long term disability and recommended increases in the maxima.

Approved

The Report of the Sub-Committee is set out below. With respect to Item 1, subsections (i), (ii) and (iii) were approved by the Finance Committee in its Report of 13th May, 1982, which was adopted by Convocation on 28th May, 1982.

> The Sub-Committee on Salaries, consisting of Messrs. Brulé (Chairman), Scace and Ogilvie met on 16th April, 5th May, 6th May and 11th June and makes the following recommendations to be effective 1st July 1982:
>
> 1. *Employee Benefits*
>
>   (i) increase Society's share of OHIP premiums from existing 50% to 75%.
>
>   (ii) provide a dental plan for employees and dependent spouses and children with basic, periodontic and endodontic care and with the Society paying 75% of the premium.
>
>   (iii) increase annual vacation from four weeks to five weeks for employees who have completed twenty years service.
>
>   (iv) increase maximum life insurance benefits from $100,000 to $250,000, accidental death benefits from $100,000 to $250,000 and long term disability maximum benefits from $2,000 per month to $3,000 per month.
>
> 2. *Salaries*
>
>   (i) a general increase in salaries on the following scale (excluding Senior Management):

up to $25,000 existing salary	– 10.5%
$25,000 to $30,000 existing salary	– 10%
$30,000 to $40,000 existing salary	– 9%
Over $40,000	– 8%

(ii) individual merit increases for specific employees based on modifications of managers' recommendations.

(iii) individual recommendations for senior management.

(iv) increase of 10.5% in two pensions paid directly by the Society.

3. The combined effect of the recommendations is as follows:

OHIP premium – increased share	$ 13,250
Dental plan (based on best quotations received, subject to revision if better quotation received)	28,764
Increasing maxima per 1(iv) above	1,975
Salary increases	413,340
Pension increases	1,626
	$458,955

Salary increases are equivalent to an average of 11.7% of existing payroll.

Because a substantial part of payroll costs is not charged to General Fund, not all of the increased cost affects the Annual Fee. Amounts charged to other funds include salaries of employees associated with the Compensation Fund and the Errors & Omissions Insurance Fund. It is also assumed that the costs of the Bar Admission Course and Continuing Legal Education will continue to be met from other revenue sources.

The effect of recommended salary increases on the annual fee, therefore, is an increase of $19.19 per member and a further $2.80 per member in respect of improved benefits.

See motions, p. 301-2.

Mr. Pepper also presented the Report of the Finance Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Pepper (Chairman), Farquharson, Ogilvie, Scace and Tebbutt.

ADMINISTRATION

1982/83 BUDGET AND ANNUAL FEE

The Committee had before it estimates for the year beginning 1st July 1982. If all of the requests for expenditure were to be met, it would be necessary to raise the Annual Fee from the $300.00 (the 1981/82 amount) to $380.73 to avoid a budget deficit.

The Committee reviewed each item in the estimates and made the following recommendations:

(i) Reduce the Discipline Committee's estimates by $55,000. This is the net result of reducing outside counsel fees from $200,000 to $120,000 and hiring an additional Assistant Secretary at a salary of $25,000 per annum.

(ii) Reduce the Public Information Committee's estimates by $186,250. This reduction can be achieved by deferring the Dial Law program, hiring no additional staff, reducing Yellow Pages advertising and deferring a computerized retrieval system for Lawyer Referral.

(iii) Reduce fifteen separate items in the estimates for Administration and Finance by a total of $235,500. The most significant of these are: saving Call to the Bar expense by continuing the Toronto Call ceremonies at the University of Toronto, discontinuing the Society's annual payment to the Canadian Law Information Council, reducing the Gazette from quarterly publication to semi-annually and eliminating one requested addition to staff.

(iv) The estimates for the Bar Admission Course show a deficit of $730,946. The Committee recommends that an application be made to The Law Foundation of Ontario for this amount. For the purposes of approving these estimates, the Committee assumed that a grant would be made for the amount of the deficit.

(v) The estimates for Continuing Legal Education show an estimated surplus of $108,670. The Committee recommended that four additional staff members recommended by the Continuing Legal Education Committee not be hired and that the estimates be revised to show a break-even result.

The above recommendations total $476,750 and if accepted by Convocation enable the 1982/83 Annual Fee to be reduced from $380.73 to $350. This fee will provide an estimated surplus of revenue over expenditure (excluding Bar Admission Course and Continuing Legal Education) of $15,830.

The Committee recognized that questions of priority arise but was determined to reduce the Annual Fee to tolerable proportions.

See motions p. 301-2.

LIBARIES AND REPORTING COMMITTEE

County Library Grants

At its meeting on 11th June, 1981, the Libraries and Reporting Committee considered a memorandum listing those law associations which had sent in their annual returns for 1981 and setting out the amounts of the grants to which they appear to be entitled in 1981 and 1982, and approved the amounts of the grants to be paid to those associations in 1982, subject to the approval of this Committee.

Approved

ARCHITECT'S ACCOUNT

Mr. Heeney submitted an account for $1,610.79, dated June 4, 1982, regarding the Fire Alarm system.

The Committee recommended payment of this account.

CANADIAN LAW INFORMATION COUNCIL

The Council submitted a request for a contribution of $60,000 for the year 1982/83. This is equivalent to $4.00 per solicitor. In addition to this request for $60,000, the Council is also seeking additional funds from the Law Society to offset some of the travel costs incurred by the Society's representative on Council in attending Council meetings during the year. The last contribution to the Council by the Law Society was $25,000 in January 1982.

The Committee recommended that no payment to the Council be included in the 1982/83 estimates.

See motion p. 301-2.

MEMBERSHIP RESTORED

His Honour *Peter Ayotte* gave notice under Section 31 that he is retiring as a Judge of The Territorial Court of the Northwest Territories on the 15th of June 1982 and wished to be restored to the Rolls of the Law Society. Accordingly, his membership will be restored effective 15th June 1982.

Approved

CHANGES OF NAME

The following requested that their names be changed on the rolls of the Society and submitted the required documentation:

Members

From	*To*
Gyorgy Burger	*George* Burger (Court Order)
Neva Louisa Tersigni	Neva Louisa *Vehovec* Tersigni (Maiden Name)
Moira McCaskill Trask	Moira McCaskill (Maiden Name)
Mary Margaret Patricia Baumann	Mary Margaret Patricia *Kelly* (Maiden Name)

Student Members

From	*To*
Francine Iona Sigal	Francine Iona *Baker-Sigal* (Maiden Name)

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following were eligible to become Life Members of the Society effective 16th of June, 1982:

Bruce Pettit Davis	King City
William Edward Percival DeRoche	Toronto
James Murray Gage	Burlington
George Alexander Gale	Willowdale
Harry Graner	Toronto
Edwin Mackie Henry	Toronto
Max William Kellermann	Toronto
Norman Levy	Toronto
Bryce Robertson Parker MacKenzie	Toronto
John Westman Millar	Toronto
George Graham Morrow	Toronto
Norman Ernest Phipps	Toronto
William Ralph Ramsay	New Liskeard
John Gillespie Reid	Mississauga

Eleanor Gertrude Richards	Toronto
Irving Weinert	Toronto

Approved

MEMBERSHIP UNDER RULE 50

Retired Members

The following members who are sixty-five years of age and fully retired from the practice of law have requested permission to continue their membership in the Society without payment of annual fees:

David Morgan Duncan	Burlington
David Graham Guest	Toronto
David Peters	Toronto
Robert East MacKerrow	Toronto
John Harold Harrison	Delhi

Approved

HEATING COSTS

1. The Society's premises are heated by steam supplied by the Toronto District Heating Corporation. This steam is generated at a central location and piped to a number of buildings.

Steam used in part of the Society's premises is metered and is subject to a direct charge by the supplier. The supplier has submitted a proposed agreement for execution by the Society. No written agreement exists at present. Annual cost of steam purchased under this arrangement is at present about $117,000 per annum.

2. The remainder of the building is not separately metered. This steam is purchased by the Government of Ontario and recharged annually to the Society. The Government charge for the period March 1, 1981 to February 28, 1982 is $40,577.04 which is 7% less than last year. The account includes almost $9,000 for steam and $9,500 for Hydro and water; the remainder includes mainly labour and other maintenance costs.

The Committee was asked to:

(i) approve the Government account for payment.

(ii) consider the appointment of consulting engineers to review heating requirements.

(iii) retain counsel to advise the Society regarding the proposed contract.

The Committee recommended payment of this account.

INFORMATION

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society will be placed in abeyance upon their assuming office:

Norman Bennett, Q.C. Hamilton	Called – 17 March 1967 Appointed Provincial Court Judge Criminal Division, Judicial District of Hamilton-Wentworth – 2 March 1982
John James Fitzpatrick, Q.C. Toronto	Called – 29 June 1948 Appointed Judge, Supreme Court of Ontario, High Court of Justice – 27 May 1982
Robert Alisdair Fraser Sutherland, Q.C. Toronto	Called – 28 June 1956 Appointed Judge, Supreme Court of Ontario, High Court of Justice – 27 May 1982

Deaths

The following members have died:

Jean Cairns Morris Hamilton (Life Member)	Called – 21 November 1913 Died – 18 April 1982
William Martin Cooke Brampton	Called – 19 April 1963 Died – 10 May 1982
William Pope Clement, Q.C. Kitchener (Bencher ex officio) (Life Member)	Called – 10 June 1912 Died – 21 May 1982
Robert Keith Arthurs, Q.C. Prescott	Called – 18 October 1923 Died – 24 May 1982
John Beverly Robinson Willowdale (Life Member)	Called – 18 October 1923 Died – 4 November 1981

Noted

It was moved and seconded that the Annual Fee for 1982/83 be $325 and that the Executive work out a budget to fit.

It was moved, seconded and *carried:*

1. That the salary portion of the budget, including the Report of 10th June, 1982, be approved; and

2. That the item with respect to the *1982/83 Budget and Annual Fee* and the item respecting the *Canadian Law Information Council* in the Report of 11th June, 1982, be deferred.

It was moved, seconded and *carried* that the first motion as to the Annual Fee for 1982/83 be tabled.

THE REPORT OF 11TH JUNE AS AMENDED WAS ADOPTED

THE REPORT OF 10TH JUNE WAS ADOPTED

……….

COMPENSATION FUND COMMITTEE–Mr. Ogilvie

Mr. Noel Ogilvie, Chairman, presented the Report of the Compensation Fund Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Ogilvie (Chairman), Scace (Vice-Chairman), Chilcott and Thom. Messrs. C.E. Bennett (Under Treasurer) and J. Beaufoy (Information Officer) were also present.

ADMINISTRATION

ACCOUNTS

Two accounts were approved.

REFEREE'S REPORTS

The Report of the Referee, B.W. Grossberg, Q.C., in the matter of the claim to the Compensation Fund of Mr. and Mrs. Beatson former clients of *David B. Bennett* was approved.

The Report of the Referee, B.W. Grossberg, Q.C., in the matter of the claims to the Compensation Fund arising out of the practice of *Robert Savage* was considered by the Committee. After discussion, the Committee decided to dismiss the claim of Keen Community Credit Union Ltd. since it was paid by an insurer. The Committee approved of the payment of the other recommended amounts subject to the deduction of any interest paid by Mr. Savage to the claimants minus any income tax paid on that interest.

The Report of the Referee, B.W. Grossberg, Q.C., in the matter of the claims to the Compensation Fund arising out of the practice of *Helmut E. Seele* was considered by the Committee. The amounts recommended for payment were approved subject to the deduction of the amounts of interest paid by Mr. Seele to the claimants minus any income tax paid on that interest.

INFORMATION

ACCOUNTS APPROVED

The Secretary reported that he approved of six accounts of Referees and counsel totalling $12,247.40 during the month of May.

INSURANCE FOR COMPENSATION FUND

The Secretary reported that a meeting will be arranged so that the Committee can discuss with Marsh & McLennan, the Society's insurance brokers, a proposal made to insure the Compensation Fund against catastrophic claims.

COMPENSATION FUND SUMMARY

The Committee considered the Compensation Fund Summary for the eleven-month period ended May 31, 1982 and noted that claims received in May amounted to $491,471.62. Set out below are some details contained in the said Summary:

COMPENSATION FUND

For the Period from 1st July, 1981 to 31st May, 1982

(11 months)

TOTAL RECEIPTS	$ 1,788,513.37
TOTAL DISBURSEMENTS	$ 374,256.64
EXCESS OF RECEIPTS OVER DISBURSEMENTS	$ 1,414,256.73
BALANCE OF FUND at beginning of period	$ 2,242,068.09
BALANCE OF FUND at end of period	$ 3,656,324.82
CLAIMS RECEIVED and in the course of being processed at end of period	$20,603,647.91

STATISTICS

The number of claims outstanding as at June 30th, 1981 was 470 with an aggregate value of $13,429,822. The claims heard between July 1st, 1981 and May 31st, 1982 are 183 with an aggregate total value of $4,304,567.32. 513 claims of an aggregate total value of $17,733,722.20 are outstanding and yet to be heard. Of these 248 claims were received between July 1st, 1981 and May 31st, 1982. During the 12 months ended June 30th, 1981, 88 claims were heard and a total amount of $735,989.52 was paid out of the Fund.

THE REPORT WAS ADOPTED

....

UNFINISHED BUSINESS

A number of Reports were not reached and were directed to stand to the Special Convocation on 15th July, 1982.

....

Confirmed in Convocation 24th September, 1982.

J. D. BOWLBY
Treasurer

MINUTES OF SPECIAL CONVOCATION
(ABRIDGED)

Thursday, 15th July, 1982
9:00 a.m.

PRESENT:

The Treasurer (Mr. J. D. Bowlby) and Messrs. Barr, Bragagnolo, Bynoe, Carter, Chadwick, Chilcott, Cooper, Crane, Farquharson, Ferrier, Finlayson, Furlong, Genest, Goodman, Ground, Guthrie, Lamont, Mrs. Legge, Messrs. Lochead, McWilliams, Noble, Ogilvie, Outerbridge, Pepper, Scace, Mrs. Tait, Messrs. Tebbutt, Wardlaw, Willoughby and Yachetti.

....

FINANCE COMMITTEE–Mr. Pepper

Mr. P. B. C. Pepper, Chairman, presented the Report of the Finance Committee of its meeting on Wednesday, 14th July, 1982, to consider the 1982/83 Budget and Annual Fee and the recommendations of the Executive Committee.

The following members were present: Messrs. Pepper (Chairman), Farquharson, Lochead, Tebbutt.

ADMINISTRATION

1982/83 BUDGET AND ANNUAL FEE

At its meeting on 11th June 1982 the Committee had before it estimates for the year beginning 1st July 1982. If all of the original requests for expenditures were to be met, it would be necessary to raise the Annual Fee from $300 (the 1981/82 amount) to $380.73 to avoid a budget deficit.

The Committee reviewed each item in the estimates and made certain recommendations with a view to keeping the annual fee to $350 and providing an estimated surplus of revenue over expenditure (excluding Bar Admission Course and Continuing Legal Education) of $15,830.

As a result of the discussion at Convocation on 25th June and the further consideration given the matter by the Executive Committee on 6th July, the Committee made the following recommendations, based on the changes recommended by the Executive Committee, which would result in an Annual Fee for 1982/83 of $360 and an estimated surplus of revenue over expenses of $33,830.

The Chairman of the Public Information Committee, Mr. A.B. Doran, agreed that the Dial-Law Program be instituted on a limited basis starting in January 1983 rather than in the autumn and that the additional staff required be hired on six month contracts. He also agreed that transcripts of recordings not be supplied to users of the service as originally planned. His Committee will monitor closely the development of the service and its success will be evaluated at the end of six months.

On behalf of the Continuing Legal Education Committee, Mr. I. W. Outerbridge, Vice-Chairman, undertook to break down the 1982/83 estimates by quarters and then to report actual results quarterly as compared to the estimates. Additional staff would not be hired immediately but only when needed. The space to accommodate them would be reserved.

The Committee gave further consideration to the effective expenditure in the amount of the Annual Fee and recommended further changes to reduce expenditures by $70,000. The Committee recommended that the Annual Fee for 1982/83 be $355 per member which will provide a budgeted surplus of $29,830.

The recommended changes are:

Proposed amendment	*Changes Recommended by Executive Committee July 6, 1982*	*Changes Recommended by Finance Committee July 14, 1982*
Deposit receipt interest – increase from $200,000 to $250,000	50,000	50,000
Discipline – general-decrease net effect of substituting a staff salary for most outside counsel fees	10,000	10,000

Public Information – restore part of expenditure re Dial Law, effective 1st January 1983 – equipment, tapes, etc. $53,100 + salaries $16,900	(70,000)	(35,000)
Public Information – restore to original amount of $60,000 cost of Yellow Pages advertising	(35,000)	(35,000)
Canadian Bar Association – amount approved by Convocation re Sesquicentennial	(25,000)	(25,000)
Canadian Law Information Council – restore contribution by Society to their costs	(25,000)	(5,000)
Revise cost of Gazette – originally estimated at $106,000, amended by Finance Committee to $60,000, again amended to $75,000, now $60,000	(15,000)	–
Reduce Provision for Capital Expenditure from $450,000 to $400,000	50,000	50,000
Add new item – provision for uncollectible fees – 200 x $360.00 (200 x $355.00)	(72,000)	(71,000)
	(132,000)	(61,000)

SUMMARY

Budgeted surplus in report of Finance Committee dated 14th June 1982	15,830	15,830
Net increases in expenditure as above	(132,000)	(61,000)
Increase revenue from $360.00 or $355.00 Annual Fee vs. $350.00	150,000	75,000
Revised Budgeted Surplus	33,830	29,830

It was moved and seconded that the provision for Dial-Law be restored.

It was moved, seconded and *carried* that the recommendations of the Executive Committee be adopted (*i.e., annual fee of $360*).

Carried

The first motion was *not put.*

THE REPORT AS AMENDED WAS ADOPTED

. . . .

PROFESSIONAL CONDUCT COMMITTEE–Mr. Ground

Mr. J. D. Ground, Chairman, presented the Report of the Professional Conduct Committee if its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Ground (Chairman), Fennell, Genest, Guthrie, Lamont, Lerner, McWilliams, Outerbridge, Ruby and Mrs. Sutherland.

POLICY

THE SECOND REPORT OF THE SUB–COMMITTEE ON LAWYERS ACTING AS MORTGAGE BROKERS

The Committee considered an amendment to the Rules of Professional Conduct emanating from the joint meeting of the Professional Conduct Committee and the Policy Section of the Discipline Committee held on April 22nd. Substantial revisions were made. The Society has to consider the questions as to whether lawyers can obtain the necessary bonding and whether the Society has the legal power to prohibit its members from acting as mortgage brokers. *(See June Report, p. 311.)*

The proposed amendment is as follows:

> No member shall directly or indirectly through a corporation, syndicate, partnership, trust or other entity in which the lawyer or any member of his immediate family has, or any two or more of them together have, a substantial interest, act as a mortgage broker unless he declares this to the Law Society and he or the entity is

bonded for such amounts and in such manner as the Law Society may determine.

For the purposes of this Rule, a mortgage broker includes a person who lends money on the security of real estate, whether the money is his or that of another person, or who deals in mortgages for a fee, or arranges or solicits mortgage money for a fee, or who holds himself out as prepared to do any of the above.

For the purposes of this Rule, the following activities in connection with the practice of law do not constitute acting as a mortgage broker:

(a) A lawyer acting on behalf of both a borrower and a lender provided that he complies with paragraph 4 of the Commentary to Rule 5;

(b) A lawyer who introduces a borrower (whether or not a client) to a lender (whether or not a client) and who receives no fee for the introduction of the parties and then acts on behalf of either or both parties, provided that where the lawyer acts on behalf of both parties he complies with paragraph 4 of the Commentary to Rule 5.

SECURITY IN THE COURTS

A recent meeting of a Committee dealing with Security in the Courts was held and a suggestion made that there be an addition to the Rules which would give the Society's members direction in dealing with the problem. Set out below is a draft paragraph which, if acceptable, would be paragraph 6 of the Commentary under Rule 12, The Lawyer and the Administration of Justice:

> A member who has reasonable grounds to believe that a dangerous situation will develop at a court facility should inform the Security Co-ordinator and give particulars. Where possible the member ought to suggest solutions to the expected problems such as:
>
> 1. The necessity for further security.
> 2. That judgment ought to be reserved.
> 3. Such other measures as may seem advisable.

INFORMATION

JOINT COMMITTEE ON SOLICITOR–CLIENT BUSINESS RELATIONS

The Chairman appointed Messrs. Guthrie, Lerner and

Fennell to be the three members of the Professional Conduct Committee on this joint Sub-Committee.

SUB–COMMITTEE ON DISBURSEMENTS AND THE ADEQUACY OF RULE 10.1

Two productive meetings of this Sub-Committee were held and a detailed report is in preparation. Given the importance of the subject and the need to prepare a comprehensive document for circulation to the profession, it is unlikely that the report will be available before the September meeting.

THE PROPOSED NEW RULE OF LAW CLERKS

A meeting of the Sub-Committee will take place in July and a report will then be made to the September meeting of the Committee.

SUB–COMMITTEE ON THE REPRESENTATION OF THE CHILD

On March 18th the Chairman, Mr. Outerbridge and Mr. Ferrier held a further meeting with the Official Guardian, Mr. Lloyd Perry, Q.C., Mr. Alan Wolfish of the Official Guardian's Office and Mr. Alan Shipley of the Ministry of the Attorney-General to clarify matters arising out of the earlier meeting on February 2nd. Mr. Outerbridge sent Mr. Perry a report on his understanding of the conclusion reached. This was at the end of March. As of May 4th no response has been received from Mr. Perry. It is Mr. Outerbridge's opinion that nothing need be done until the Official Guardian responds.

SUB–COMMITTEE ON DISCLOSURE OF DOCUMENTS DESIGNATED CONFIDENTIAL – FOR PROFESSIONAL USE ONLY

Mr. Outerbridge wrote to various lawyers' groups to obtain their thoughts on the subject. To date he has not heard from all such groups and is of the opinion that he should wait to hear from them all before reporting. He believes that he might be in a position to report at the June meeting.

THE REPORT WAS ADOPTED

. . . .

Mr. Ground presented the Report of the Professional Conduct Committee of its meeting on Friday, 11th June 1982.

The following members were present: Messrs. Wardlaw (Vice-Chairman – Acting as Chairman), Genest, McWilliams, Ruby and Mrs. Sutherland.

POLICY

A number of matters were discussed most of which have been stood over to the next meeting of the Committee in order that there can be further discussion.

INFORMATION

THE SECOND REPORT OF THE SUB–COMMITTEE ON LAWYERS ACTING AS MORTGAGE BROKERS

Further to the Committee's May Report respecting this item (p. 308), an initial enquiry made through Hugh Moreland of Marsh & McLennan Ltd. would indicate that it may not be possible or feasible to obtain the sort of bonding contemplated. Mr. Mark Orkin, Q.C. is working on an opinion as to whether the Society has the legal power to restrict or prohibit its members from acting as mortgage brokers or engaging in any other commercial activity. His opinion should be forthcoming by the end of the month.

EDITORIAL REVISION OF THE RULES OF PROFESSIONAL CONDUCT

Mr. Mark Orkin, Q.C. has agreed to undertake the revision. He will be meeting shortly with the Chairman of the Committee and its Secretary.

TAPE RECORDING CONVERSATIONS

Paragraph 4 of the Commentary under Rule 16 (Responsibility to Lawyers Individually) reads as follows:

> The lawyer should avoid sharp practice. He should not take advantage of or act without fair warning upon slips, irregularities or mistakes on the part of other lawyers not going to the merits or involving the sacrifice of the client's rights. He should not use a tape recorder or other device to record a conversation between the lawyer and a client, another lawyer, or anyone else, even if lawful, without first informing the other person of his intention to do so.

Mr. Clayton Ruby has questioned whether a lawyer ought not to be able to tape-record a conversation with a person other than his clients or another lawyer, without so advising the person in question.

There was discussion of this proposal and the consensus of the meeting was that a Sub-Committee be appointed to study it. The Sub-Committee will be composed of Messrs. Ruby (who is to be the Chairman), Bynoe, Genest, Humphrey and McWilliams.

THE REPORT WAS ADOPTED

....

LIBRARIES AND REPORTING COMMITTEE– Mr. Farquharson

Mr. G. H. T. Farquharson, Chairman, presented the Report of the Libraries and Reporting Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Farquharson (Chairman), Willoughby (Vice-Chairman), Lerner, McWilliams, Mrs. Tait and Mr. Yachetti. Messrs. B. McLoughlin, R. Schaeffer and G. Howell were also present.

POLICY

PROPOSED APPLICATION BY GREAT LIBRARY TO THE LAW FOUNDATION OF ONTARIO

The Chief Librarian submitted several reports indicating the nature of the proposed application by the Great Library to

The Law Foundation of Ontario. This matter was deferred until the September meeting.

ADMINISTRATION

REPORTING – ONTARIO REPORTS – COPYRIGHT

The Secretary reported that a letter of opinion was received from counsel for the Society indicating that further information was required in order to determine whether the Society still has copyright in the older reports. The Secretary was instructed to ask counsel to amplify his opinion as to the author of the Ontario Reports and the extent of the limitation of the copyright period.

ONTARIO REPORTS – BUTTERWORTHS CONTRACT

The Secretary reported that a letter of opinion was received from counsel concerning the extension of Butterworths contract signed in 1981 to cover a second six-month term ending December 31st, 1982.

ONTARIO REPORTS – COPYRIGHT ABRIDGEMENT OF REASONS FOR JUDGMENT

The Secretary reported that a letter of opinion was received from counsel concerning the above matter.

ONTARIO REPORTS – CONSOLIDATED INDEX

The Secretary reported that a letter of opinion was received from counsel concerning the copyright of the Law Society in a proposed consolidated index. The Committee recommended that provided counsel is satisfied that the Society owns the copyright in the consolidated index, the Society should negotiate with the law book publishers for the publication of a consolidated index for the Ontario Reports including the question of the amount of a royalty to be paid to the Society.

REPORTING – CANADA LAW BOOK LIMITED – BUTTERWORTHS – DATA BASE

The Secretary reported that counsel for the Law Society had submitted an opinion with an Invitation to Tender which might be sent to those publishers wishing to place the Ontario Reports in their data bases. The Committee recommended that counsel should proceed with the drafting of an Invitation to Tender including a royalty to the Society if a searcher receives an Ontario Reports case even if it is listed in another citation.

PHOTOCOPIERS FOR COUNTY LAW LIBRARIES

The Secretary reported that Mr. Crane drafted a letter to be sent to all of the county law associations to enquire as to whether the counties would want a coin operated photocopier if it was provided and paid for by the Ministry of the Attorney General. Mr. Brian McLoughlin, Assistant to A. Rendall Dick, Q.C., Deputy Attorney General, agreed to investigate the matter.

ONTARIO REPORTS – FREE LIST – JUDGES

The Chairman requested that this matter be considered again by the Committee. The matter of terminating the Ontario Reports without charge to Supreme Court and County Court Judges was reviewed with the Chief Justice of Ontario. Mr. Brian McLoughlin explained the position of the Ministry concerning the supplying and paying for Ontario Reports to Provincial Court Judges. He requested that the Society continue to provide and pay for Ontario Reports to federally appointed Judges. The Committee left this matter to the Chairman to investigate and decide.

It was moved in Convocation, seconded and carried that this item stand.

LAW SOCIETY ANNUAL GRANTS TO COUNTIES

The following county libraries have sent in their Annual Returns. The amounts of the grants which each should receive under the Regulations for the year 1982 and the amounts received in 1981 are as follows:

	1982	*1981*
Algoma	$2,000	$2,000
Frontenac	2,000	2,000
Hamilton	2,000	2,000

Hastings	1,800	
Kent	2,000	2,000
Lambton	1,740	2,000
Lincoln	2,000	2,000
Muskoka	1,425	1,565
Norfolk	1,425	1,355
Northumberland	1,810	1,600
Parry Sound	760	935
Peterborough	2,000	2,000
Rainy River	750	750
Thunder Bay	2,000	2,000
Waterloo	2,000	2,000

Approved, subject to the approval of the Finance Committee.

ACCESS BY MEMBERS OF ELGIN LAW ASSOCIATION TO THE LIBRARY IN THE COURT HOUSE

The Secretary reported that a letter was received from Mervin L. Riddell indicating that members are not permitted 24 hour access to the Elgin County Law Library in the Court House. The Secretary was instructed to write to Mr. Riddell and indicate that this is not a matter that is within the jurisdiction of the Law Society – it is a matter for the Attorney General who is responsible for the administration of justice.

DONATIONS OF REPORTS TO THUNDER BAY DISTRICT LAW ASSOCIATION

The Secretary reported that a letter was received requesting that the above association receive a set of Canadian Criminal Cases and Reports of Family Law. This matter is to be deferred until the September meeting.

INFORMATION

BOOK LIST

A list of 32 new acquisitions by the Great Library was approved.

CHIEF LIBRARIAN'S VISITS TO SIX COUNTIES IN EASTERN ONTARIO

The Secretary report that the Chief Librarian visited six county law associations and his report of those visits was given to the Committee.

THE REPORT AS AMENDED WAS ADOPTED

. . . .

UNAUTHORIZED PRACTICE COMMITTEE–Mr. Chilcott

Mr. W. D. Chilcott, Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Chilcott (Chairman), Furlong, McWilliams, and Strauss. Mr. R. Schaeffer was present by invitation.

ADMINISTRATION

1. Four accounts of an investigator were approved.

2. The Committee considered three letters of complaint and gave the appropriate instructions to the Secretary. Details of these letters and the instructions are as follows: One complainant stated that a newspaper was publishing articles purporting to give legal advice to tenants. A letter is to be sent to the complainant advising that this is not unauthorized practice and suggesting that he write the editor of the newspaper. The second complainant advised that an individual was holding himself out to be a solicitor on immigration matters. The complainant is to be informed that there is insufficient evidence of unauthorized practice. The third complainant advised that an individual was using the term “certified law clerk”. A letter is to go forward to this individual indicating that the word “certified” before law clerk should be deleted since there is no such designation as certified law clerk.

3. The Committee considered a letter from a solicitor with draft articles of incorporation which included legal research and acting as a consultant and advisor. This correspondent is to be advised by letter that the Law Society does not give legal advice but it would appear that paragraph 5(a) of the draft objects

may contravene Section 50(1) of The Law Society Act since a corporation cannot practise law.

THE REPORT WAS ADOPTED

....

PRACTICE AND INSURANCE COMMITTEE—Mr. Barr

Mr. J. R. Barr, Vice-Chairman, presented the Report of the Practice and Insurance Committee of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Barr (Vice-Chairman in the Chair), Farquharson, Noble, Tebbutt and Wardlaw. Messrs. Forbes, Hargraft, Marshall and Smith were also present.

ADMINISTRATION

Deductibles

At the request of Mr. Farquharson, one particular account was considered by the Committee at this meeting and approved.

Practice Advisory Service

(a) *Monthly Report*

The Director's Report for May was before the Committee.

Approved, including approval of "The Advisor", an information release replacing the "E & O Bulletin", to be published five times a year.

(b) *Supplementary Report*

The Committee recommended that consideration of the Loss Prevention Programme stand to the September meeting and meanwhile that the Continuing Education Committee be asked for its suggestions respecting it.

The Committee deplored the dropping of the Office Administration Course from the 1982-83 curriculum of the Bar Admission Course and recommended that it be reinstated into the 1983-84 curriculum of the Bar Admission Course.

INFORMATION

Counsel Fees

A list of counsel fees paid in May 1982 was noted by the Committee. The totals are as follows:

Fund Year	*Amount Paid*	
1977	$ 1,997.31	
1978	802.50	
1979	5,734.08	
1980	28,608.06	
1981	19,705.68	
1982	5,804.80	$62,652.43

Adjusters' Fees

A list of adjusters' fees paid in May 1982 was noted by the Committee. The totals are as follows:

Fund Year	*Amount Paid*	
Old Fund	$ 1,504.55	
1977	2,918.85	
1978	2,926.50	
1979	9,796.96	
1980	13,692.70	
1981	30,169.93	
1982	14,633.15	$75,642.64

Monthly Report

The Director's monthly report for May 1982 was noted by the Committee. Totals of claims including defence costs paid in May 1982 are as follows:

Fund Year	*Claim and Defence Payments*	*Deductible Received*	*Stop Loss Recovery*	*Net Cost to Society*
1977	(385.33)	3,056.25	–	(3,441.58)
1978	(337.60)	8,300.00	$94,182.76	(102,820.36)
1979	68,910.24	23,393.13	–	45,517.11
1980	161,109.69	30,469.31	–	130,640.38
1981	154,385.98	46,502.81	–	107,883.17
1982	7,500.00	5,000.00	–	2,500.00
	$391,182.98[2]	$116,721.50[3]	$94,182.76	$180,278.72

[2] of this amount $175,625.38 is the deductible portion ($11,926.52 uncollectible)

[3] of this amount $47,768.12 follows the December, January, February, March and April demand letters.

THE REPORT WAS ADOPTED

....

Mr. Barr presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 24th June, 1982.

The following members were present: Messrs. Brulé (Chairman), Barr (Vice-Chairman), Noble, Ogilvie and Wardlaw.

ADMINISTRATION

Format of the Monthly Report

The Chairman appointed a Sub-Committee to recommend the form of the monthly report, consisting of: Messrs. Brulé (Chairman), Barr and Wardlaw.

Approval of Counsel's Account

The Committee approved payment of an account from Lang, Michener in the amount of $1,562.73, outstanding from the Lloyd's policy.

Letter from J. James Wardlaw

The Committee reviewed a letter of the 1st June, 1982, from Mr. J. J. Wardlaw and recommended that the following items should come before the Committee on a later agenda: Space, Practice Adviser, analysis of mortgage claims, real estate losses.

THE REPORT WAS ADOPTED

....

PUBLIC INFORMATION COMMITTEE—Mr. Doran

Mr. I. W. Outerbridge, Vice-Chairman, presented the Report of the Public Information Committee of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Doran (Chairman), Outerbridge (Vice-Chairman), Ground, Mrs. Legge, Messrs. Ogilvie and Yachetti.

POLICY

BUDGET 1982/1983

The Committee had before it the budget for the Public Information Committee for the 1982/1983 fiscal year.

The total budget proposed is $461,950. It is important to note, however, that this includes the budget for the Lawyer Referral Service which was previously funded through the Finance and Administration Department budget. As Convocation approved the concept of having the Public Information Committee be responsible for the Lawyer Referral Service programs, it was felt that the budget for the Service should be transferred to the Public Information Committee.

Additionally, part of the salaries of the Information Officer and his secretary will be charged back to The Ontario Legal Aid Plan.

The actual new finances required to carry out the program outlined in the budget amount to $282,700 or $18.84 per paying member. The details of the costing of the programs to be undertaken are found in the budget.

If first year establishment funding for the Dial-Law Program is obtained, the new finances required will drop to $197,700 or $13.18 per paying member.

TELEVISION/RADIO APPEARANCES

The Committee had previously considered a proposal from a former C.B.C. researcher and writer who has an extensive background in broadcast journalism, in regard to her acting as a consultant to the Society to arrange television and radio interviews for Benchers and other members of the profession.

The researcher proposed that the Society retain her for an initial period of six months at a rate of $350 per week plus expenses. She would arrange television and radio interviews on legal topics on television and radio stations in the Metropolitan Toronto and London areas. In consultation with the Society, she would arrange for either a Bencher or some other member of the Society experienced in the area under discussion to appear on these programs. Additionally, she would brief the person to be interviewed on the approach the interviewer would likely be taking in regard to the topic. She would also conduct small seminars for Benchers and other members of the profession on the art of being interviewed and appearing on radio and television broadcasts.

The Committee was impressed by her credentials and the enthusiasm with which she approached the project. However, the Committee felt that it should not embark on such a program at this particular time. The costs to the Society for the six month period would be $9,100 plus travel expenses. The Committee felt that in light of the major programs and their costs, which it is currently undertaking, an expenditure of this nature was not warranted having regard to the benefits to be obtained.

TELEVISION PROGRAMMING PROPOSAL OF MR. DONALD REID

Mr. Donald Reid of Donald Reid Film Corporation has proposed the production of law programs which he feels would be applicable in nearly all North American jurisdictions. The format of the programs would involve the dramatization of a general factual situation without dealing with the rights or responsibilities of the people concerned. Once the question has been posed in dramatic form, local programmers would be supplied with a format enabling them to explore the rights and obligations of the people portrayed in the drama within their particular jurisdiction.

Mr. Outerbridge, in a letter to the Chairman, sets out the possible involvement of the Society in the production of a series of television programmes and suggests that in addition to the Public Information Committee, the Continuing Legal Education and Legal Educations Committees also be involved.

The Committee recommended that a Special Sub-Committee composed of representatives of the Public Information Committee, the Legal Education Committee and the Continuing Legal Education Committee be established to explore this proposal in more depth and to report to Convocation.

ADMINISTRATION

APPLICATIONS TO THE LAW FOUNDATION

Applications to The Law Foundation of Ontario are being prepared requesting funding for the Lawyer Referral Service and the Dial-Law Program. It is anticipated that the applications will be forwarded to the Law Foundation by the end of May.

INFORMATION

PUBLICITY – CALLS TO THE BAR, 1982

The Information Officer informed all local media in Toronto, London and Ottawa as Calls to the Bar took place in April. In Toronto, the proceedings were covered by The Globe and Mail and CFTO–TV; in London, by the London Free Press and two radio stations; and in Ottawa, by the Ottawa Citizen, CBC Radio and CJOH–TV.

SUBJECT TO THE REPORT OF THE FINANCE COMMITTEE

THE REPORT WAS ADOPTED

. . . .

CONTINUING LEGAL EDUCATION COMMITTEE– Mr. Ferrier

Mr. L. K. Ferrier, Chairman, presented the Report of the Continuing Legal Education Committee of its meetings on Friday, 23rd April, Thursday, 6th May, and Thursday, 13th May, 1982.

The Committee met on the following dates and times with the following members being present:

Friday, April 23, 1982 7:30 a.m.	Mr. Ferrier (Chairman), Messrs. Barr, Crane, Lerner, Noble, Outerbridge, Mrs. Tait, Messrs. Wardlaw and Willoughby. Mr. Collins-Williams was also present at the request of the Chairman.

Thursday, May 6, 1982 7:30 a.m.	Mr. Ferrier (Chairman), Messrs. Carthy, Outerbridge, Mrs. Tait and Mr. Wardlaw. Mr. Collins-Williams was also present at the request of the Chairman.
Thursday, May 13, 1982 7:30 a.m.	Mr. Ferrier (Chairman), Messrs. Carthy, Crane, Lerner, Outerbridge, Mrs. Tait and Mr. Willoughby. Messrs. Burnett, Collins-Williams and Ellis were also present at the request of the Chairman.

POLICY

COST ALLOCATIONS BETWEEN THE BAR ADMISSION COURSE AND CONTINUING LEGAL EDUCATION

The Bar Admission Course and Continuing Legal Education share a number of services and premises with respect to which cost allocations are required for their respective budgets. The services and premises include but are not limited to:

(a) The Society's premises at Osgoode Hall and in Ottawa and London

(b) Printing Department

(c) Word Processing Office

The Director of the Bar Admission Course has proposed to the Continuing Legal Education Committee that Bar Admission Course Management accept responsibility for full utilization of the Printing Department capacity, giving first priority to Continuing Legal Education requirements (after Bar Admission Course requirements) but promoting utilization of the facilities by other organizations, such as the Law Society's Legal Aid Plan.

It was agreed that Bar Admission Course Management should accept responsibility for the full utilization of the Printing Department and Word Processing Office. However, a cost analysis concerning the cost required to operate the Printing Department and Word Processing Office must be done. The Bar Admission Course Management should look to provide services to Continuing Education and others on a cost only basis.

A study has been completed with respect to the use of space in Osgoode Hall by the several departments of the Law Society. The overhead costs charged to Legal Education for building and grounds must be allocated between Bar Admission Course and Continuing Legal Education for their respective budgets. After full discussion it was agreed that during the coming fiscal year, the amount charged to Legal Education for building and grounds should be allocated 80% to Bar Admission Course and 20% to Continuing Legal Education. It was further agreed that the cost of premises in London and Ottawa should be allocated 90% to Bar Admission Course and 10% to Continuing Legal Education.

USE OF CONTINUING EDUCATION VIDEO CASSETTES BY COUNTY AND DISTRICT LAW ASSOCIATIONS

A proposal was received from Mr. Owen J. R. Smith, Q.C., of New Liskeard, writing on behalf of the Law Association of the District of Temiskaming, that the Law Society should establish in County and District libraries a stock of Continuing Legal Education programmes recorded on half-inch video cassettes.

The Committee referred this item to the Sub-Committee on Programme Development chaired by Mr. Crane for study and report. A letter will be sent to Mr. Smith telling him the Committee is enthusiastic about his suggestion, and the matter will be given full consideration.

INFORMATION

PROGRAMMES

The Committee reviewed a report of Continuing Legal Education programmes presented during the month of April, 1982.

FINANCIAL STATEMENTS

The Committee considered the financial statements for the ten-month period ending April 30th, 1982 for Continuing Legal Education.

THE REPORT WAS ADOPTED

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Mr. Ferrier presented the Report of the Continuing Legal Education Committee of its meeting on Friday, 28th May, and Friday, 11th June, 1982.

On Friday, 28th May, 1982, the following members were present: Mr. Ferrier (Chairman), Messrs. Barr, Crane, Goodman, Lerner, Noble, Outerbridge, Mrs. Tait, Messrs. Wardlaw and Willoughby. Mr. Burnett and Mr. Collins-Williams were also present at the request of the Chairman.

On Friday, 11th June, 1982 the following members were present: Mr. Ferrier (Chairman), Messrs. Barr, Carthy, Lerner, Noble, Outerbridge, Shibley, Mrs. Tait and Mr. Wardlaw. Messrs. Collins-Williams and Ellis were also present at the request of the Chairman.

POLICY

MARCH SPECIAL LECTURES SERIES

Since the inauguration of the March Special Lectures Series in 1950, a hard cover edition of the lectures has been published annually by Richard De Boo Limited. That company has advised the Society that through 1980, they have been able to handle this publication and make a modest profit, notwithstanding that their return of investment was below that which they expected from their regular commercial publications. In 1981, rising costs changed the picture drastically and the publisher suffered a considerable financial loss. The letter of Mr. G. B. Halpin, Vice President, Publications, dated May 19, 1982, to the Director, was before the Committee. It was decided that this matter would be referred to a sub-committee consisting of Mr. Wardlaw who together with the Director, Mr. Collins-Williams, will negotiate with Richard De Boo Limited for a mutually satisfactory arrangement for future years.

ADMINISTRATION

MARCH SPECIAL LECTURES SERIES 1983

A Committee composed of Messrs. Outerbridge, Noble and Shibley was appointed to act as a Planning Committee to plan the March Special Lectures Series 1983.

INFORMATION

PROGRAMMES

The Committee reviewed a report of Continuing Legal Education programmes presented during the month of May, 1982.

FINANCIAL STATEMENTS

The Committee considered financial statements for the eleven-month period ending May 31, 1982 for Continuing Legal Education.

THE REPORT WAS ADOPTED

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SUB–COMMITTEE ON DISCIPLINE PROCEDURES (SPECIAL COMMITTEE ON CONVOCATION)

Mr. J. R. Barr, Chairman of the Sub-Committee on Discipline Procedures, referred to the 6th draft of the proposed amendments to The Law Society Act, the Regulation and the Rules which had been forwarded to the Benchers for their consideration prior to Convocation.

It was moved, seconded and *carried*, that the 6th draft of the proposed amendments to The Law Society Act, the Regulations and the Rules be tabled and that the profession be advised of the changes proposed in the Act and the reasons for them.

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BUILDING COMMITTEE

Mr. P. B. C. Pepper, Chairman, presented the Report of the Building Committee of its meeting on Monday, 10th May, 1982.

The following members were present: Messrs. Pepper

(Chairman), Ogilvie (Vice-Chairman), Ferrier and Mrs. Legge.

MISCELLANEOUS ALTERATIONS

The Committee reviewed a report of a meeting held on 15th December, 1981 and copies of two letters from Mr. Heeney, one dated 4th May, 1982 and the other dated 7th May, 1982.

Most of the work referred to in the report of December 15th has been completed with the exception of the conversion of certain rooms for the use of the Director of Continuing Education and substantial savings have been realized in the execution of the work that has been done.

Mr. Collins-Williams advised the Committee that with respect to the alterations planned to accommodate Continuing Legal Education, in view of the estimated costs he would return to the earlier plan to renovate one seminar room in the north-west corner of the 3rd floor and make some necessary changes in the present Continuing Legal Education area to provide office space for staff. This arrangement would involve less expense and Mr. Heeney has been asked to provide sketches and cost estimates.

LEGAL COSTS

Mr. W. O. Chris Miller submitted his account for professional services in connection with the construction contract in the amount of $250 for approval.

Approved

204A RICHMOND STREET WEST

The 5th floor of 204A Richmond Street West (north-west corner of Richmond and Simcoe Streets) is available on a sublease expiring September 30th, 1986. The floor comprises 4,731 square feet of partitioned space at an annual rental of $34,772.88 or $7.35 per square foot.

Other floors in this building are occupied by the area office of the Ontario Legal Aid Plan. The Committee was asked to consider whether the Society should lease the available space and relocate certain departments away from Osgoode Hall.

Approved

COST AND TEMPERATURE CONTROL IN OSGOODE HALL

Mr. Heeney reported that the Building Superintendent is monitoring closely the use of electrical power and by spreading loads to reduce consumption peaks has already effected substantial savings. When the air-conditioning equipment is functioning it will be monitored so that savings can be effected wherever possible, particularly in the education wing, by cooling only those areas which are in use.

THE REPORT WAS ADOPTED

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Mr. Pepper presented the Report of the Building Committee of its meeting on Wednesday, 2nd June, 1982.

The following members were present: Messrs. Pepper (Chairman), Ogilvie (Vice-Chairman), Ferrier, Thom and Wilson.

DEPARTMENT OF CONTINUING LEGAL EDUCATION

Mr. Heeney was asked to provide sketches and cost estimates for the work involved in making alterations and changes to accommodate the Continuing Legal Education Department. His letter of 21st May, 1982, was before the Committee and reads in part as follows:

> (a) The Continuing Education Department will now locate their offices in the existing office area as well as taking over the two rooms along the third floor at the north-west corner of the School Building. There will be no change in the location of the Auditing Department. The proposed new offices along the second floor of the School Building have been cancelled.
>
> (b) The total estimated cost of the proposed alterations is $49,500.00 plus Architects' fees and includes drapes and curtains in the Director's office and curtains in the outer offices. Curtains and drapes, where in place, in the existing office area will remain. New carpet will be installed in the two rooms being taken over on the third floor, north-west corner. Special telephone requirements will be extra. Standard telephone outlets will be installed at each desk where not already in place.

The Committee recommended that the work begin and that Mr. Heeney obtain bids and proceed within the estimate.

BAR ADMISSION COURSE – SCHOOL BUILDING

(a) In the same letter, Mr. Heeney provided an estimated cost figure of $16,800 to cover the following alterations which had previously been approved by this Committee, namely:

1. Move the partition between rooms 220 and 221 to provide one additional seminar room to replace the space given up to Continuing Legal Education.
2. Provision of a Bar Admission Course waiting room. (One new partition and adjustments to ventilating and air-conditioning arrangement.)
3. Lighting and ventilating improvements necessary to convert the third bedroom to a permanent office for the Materials and Examination Co-ordinator.
4. Renovations to shelving in the Director's office and the installation of wiring for additional incandescent lighting.

(b) The estimated cost for the installation of a partition in the Registrar's Office is $1,500.

Approved

(c) The estimated cost for the enlargement of the stage area in the first floor classroom is $2,200.

Approved

(d) Oak notice boards will be installed, without glass or locks.

Approved

ARCHITECT'S FEES

The Committee approved Mr. Heeney's fee for working drawings in respect of the deferred project to construct additional offices on the second floor above the former quadrangle at the rate of 7.5% of $192,000 as per Mr. Heeney's letter of 9th November 1981.

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. P. B. C. Pepper, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 13th May, 1982.

The following members were present: Messrs. Pepper (Chairman), Cass and Willoughby.

ADMINISTRATION

REQUEST FOR FUNDS

A letter dated 4th May, 1982 from a member was before the Committee, requesting financial assistance from the Fund to help him set up his new office. The member is in good standing and needs just to pay his liability insurance levy in order to start practising. He had received $1,500 from the Fund in total from June 1980 to February 1982.

The Committee recommended that he receive a grant of $500 but that no further grants for the purpose can be expected.

THE REPORT WAS ADOPTED

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Mr. Pepper presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Friday, 11th June, 1982.

The following members were present: Messrs. Pepper (Chairman), Cass and Mrs. Sutherland.

ADMINISTRATION

GRANT OF FUNDS

A member who had received grants totalling $3,500 was again in severe financial difficulties and unable to pay the rent for his apartment. He was also facing other difficulties and in all the circumstances, the Chairman approved one further grant in the amount of $500 being made to him. The Committee was asked to ratify this action.

Approved

THE REPORT WAS ADOPTED

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SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA

Mrs. R. M. Tait, Chairman, presented the Report of the Special Committee on Muniments and Memorabilia of its meeting on Wednesday, 31st March, 1982.

The following members were present: Mrs. Tait (Chairman), Mrs. Legge and Mr. Pepper. Messrs. Honsberger (Curator) and Johnston (Honorary Secretary) were also present.

ADMINISTRATION

MINUTES OF A PRIOR COMMITTEE MEETING

A Committee meeting had been held on February 16th, 1982 at which time a number of matters had been discussed including the need for an archivist and the stained glass window project. These minutes were received and approved. No report was made to Convocation in 1981 because there was not sufficient activity of a concrete nature to warrant Convocation's time.

POSITION OF A RESEARCH ARCHIVIST

The Committee discussed the issue at some length and concluded that the logical thing to do would be to hire a trained archivist on a short term contract to conduct a feasibility study and advise the Society as to what sort of archival program should be undertaken and this would include a recommendation as to whether the Society would require a full time or part time archivist.

Subsequent to the meeting Mr. Roy Schaeffer was hired to undertake the study. Mr. Schaeffer is a graduate in history from the University of Toronto and has a significant archival background having worked with the Archives of Ontario, the Toronto Harbour Commission and Imperial Oil. He did a feasibility study of the archival needs of Imperial Oil and then was hired to set up its archives. He is currently working on a project for the Ontario Grovernment. Mr. Schaeffer commenced work at the Society on June 1st. He will be working two days a week and will be preparing a study for the Committee's consideration in the fall. He prepared an outline of his projected work which was before the Committee and Convocation.

STAINED GLASS WINDOW PROJECT FOR CONVOCATION HALL

There was considerable discussion of the project and the Committee concluded that it would be a good idea to have a distinguished artist with an international reputation view the windows and prepare a design or designs. The name of Mr. John E.C. Piper, C.H., a celebrated English stained glass artist, was mentioned and the Secretary was instructed to contact him respecting his availability for such a project. It was the Committee's opinion that if the design work were done by someone other than a Canadian, the actual execution could be done by Canadian craftsmen.

Subsequent to the meeting Mr. Piper was contacted. He was unavailable but said that his assistant, Mr. Patrick Reyntiens, might be able to visit Toronto. Mr. Reyntiens was contacted and he will be coming to Toronto on August 9th for five days.

PORTRAIT OF CHIEF JUSTICE WILLIAM CAMPBELL

The Advocates' Society requested permission to borrow Chief Justice Campbell's portrait in order that it may be hung in Campbell House. The Committee approved the lending of it to the Advocates' Society on the understanding that the Law Society would have the right to ask for it back at any time and that persons from the Secretary's office check from time to time as to the portrait's condition.

BRONZE SCULPTURE OF THE LATE JOSEPH SEDGWICK, Q.C.

The late Mr. Sedgwick left the sculpture of himself done by Kenneth Jarvis, Q.C., to the Law Society on condition that the Advocates' Society have the right to exhibit it in Campbell House from time to time with the permission and at the convenience of the Society. The Committee on behalf of the Society was prepared to accept the sculpture on these terms.

PORTRAIT OF THE SECRETARY

The Committee discussed the fact that with the exception of the respective Chief Justices the only non-Bencher the Society has had painted was the late W. Earl Smith, Q.C., a former Secretary of the Society, who was appointed an Honorary Bencher of the Society in June, 1966, and whose portrait hangs in the Benchers' Quarters. Given the importance of the Secretary in the day-to-day administration of the Society's operation the Committee recommended that Convocation approve the painting of the present Secretary. The Committee noted that the present Secretary had just completed 24 years of service to the Society, 16 of these years as Secretary.

INFORMATION

ACQUISITIONS

A list of acquisitions to the Society's Muniments and Memorabilia collection is set out below. These donations are particularly interesting and significant and some are very valuable.

LIST OF ACQUISITIONS 1981/82

1. Sketch of the West Portico of Osgoode Hall by James Blomfield was presented to the Law Society by the Executors (Hugh Guthrie, Q.C. and George W. Goetz, Q.C.) for the Estate of Innes McIntosh Allan.
2. The following items were acquired and are in the Muniments Room:

   Letter, June 5th, 1945, Lt.-Col. H.W.A. Foster, K.C., from Lt.-Col. K.R. Jenkins, Officers' Training Centre, Department of National Defence, Army, Brockville with envelope and enclosure (badge)

   1 officer's badge roughly mounted on cardboard

   Envelope addressed to H.W.A. Foster, Esq., K.C., Messrs. Denison & Foster, Northern Ontario Bldg. containing 1 officer's badge and 3 cadet badges.
3. A copy of the burial service of Sir William Mulock was acquired from John D. Honsberger, Q.C. and is in the Muniments Room.

4. Various papers (commissions, appointments and diplomas concerning the Honourable William Proudfoot, Q.C.) donated by H.B. Douglas, Esq.
5. Bronze portrait of Joseph Sedgwick, Q.C. donated by his son Hugh Sedgwick. To be placed in the Muniments and Memorabilia Room with a request that the Advocates Society have the right to the use of the bust on appropriate occasions.
6. The Illustrated Historical Atlas – the County of Simcoe, Toronto 1878 including York donated by Dr. and Mrs. George Tait.
7. The following were acquired and are to be placed in the Muniments and Memorabilia Room:

   Xerox copy of the Minutes of Special Convocation of February 6th, 1982.

   Programme for Dinner, Special Convocation and Ball on February 6th, 1982 to celebrate the 150th anniversary of the first Convocation held in Osgoode Hall on February 6th, 1832, which includes the notes entitled "Osgoode Hall" prepared by Mrs. Lucy Booth Martyn.

   Silver teaspoon with Society's crest and the date 1832-1982 presented to dinner guests on February 6th, 1982.
8. Certificate of Call to the Bar of Robert John Turner donated by Mrs. Joan Turner. The Certificate is dated 1846.

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE–Mr. Genest

Re: JAMES WALTER BANNISTER, Brampton

Mr. P. Genest, Chairman, placed the matter before Convocation.

The reporter was sworn.

Messrs. Bynoe, Carter, Crane, Finlayson, Pepper and Wardlaw withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. Frank N. Marrocco. Mr. Chris G. Paliare represented the Society.

The Report of the Discipline Committee, dated 28th December, 1981, was before Special Convocation on 21st January, 1982, at which time upon the solicitor giving an undertaking not to practise law in any way until the matter was disposed of and upon the solicitor agreeing to be examined by a psychiatrist of the Society's choosing if asked to do so by counsel for the Discipline Committee, Convocation referred the matter back to the same Committee to receive evidence relating to penalty only, to be returned to Convocation no later than the March Convocation. The matter not being ready to proceed, subsequent adjournments were granted.

The Report of the Discipline Committee, dated 28th December, 1981, and an amended Recommendation as to Penalty, dated 25th June, 1982, together with an Affidavit of Service, dated 2nd July, 1982, by Brian Ross Fraser, that service had been effected on the solicitor by registered mail on 29th June, 1982, were before Convocation.

Copies of the Report and the Recommendation were sent to the Benchers prior to Convocation. The reading of the Report was waived.

Counsel made no submissions as to the Report.

Mr. Marrocco accepted the present quorum.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 28th December, 1981, be adopted.

The Report found that the complaint alleging that the solicitor was guilty of conduct unbecoming a barrister and solicitor was established. He had been convicted in Criminal Court of unlawful possession of a weapon (a 12 gauge shotgun) for a purpose dangerous to the public peace.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been adopted by Convocation.

The amended Recommendation as to Penalty of the Discipline Committee is that the solicitor should be permitted to resign his membership in the Society. The Committee made this recommendation after hearing psychiatric evidence concerning the effects of personal difficulties.

Counsel noted that in the amended Recommendation as to Penalty any reference to Alberta should be changed to "Saskatchewan".

Mr. Marrocco made submissions as to penalty.

Mr. Paliare made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that Convocation by Order permit the solicitor to resign his membership in the Society.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's disposition of the matter.

The solicitor, counsel and the reporter retired.

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Re: JERRY MANNY APPLEBAUM, Toronto

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The solicitor attended with his counsel, Mr. Robert H. Burke, Q.C. Mr. S.E. Sherriff appeared for the Society.

Convocation had before it the Report of the Discipline Committee, dated 28th June, 1982, together with a copy of an Affidavit of Service, dated 6th July, 1982, by Arnold C. Dillon, Process Server, of Toronto, that personal service of the said Report and related documents was effected by him on the solicitor on 30th June, 1982.

Copies of the Report of the Discipline Committee having been sent to the Benchers prior to Convocation, the reading of the Report was waived.

The Report of the Discipline Committee found that the solicitor was guilty of conduct unbecoming a barrister and solicitor and of professional misconduct. He had been convicted in Criminal Court of possession of heroin and hashish and had failed to maintain his professional records in accordance with the Society's regulations.

Mr. Burke made submissions as to the Report.

Mr. Sherriff made none.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 28th June, 1982, be adopted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had adopted the Report.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, copies of which had been sent to the Benchers with the Committee's Report. The Committee recommended that the solicitor be reprimanded in Convocation, that the Society's auditors should attend at the solicitor's office forthwith to make a further examination of his books and records and such examination should be followed by a further examination six months thereafter, and that the solicitor be required to pay the costs of the Society's investigation including the costs attributed to the Society's auditors attending at the solicitor's office on two separate occasions henceforth. In making this recommendation, the Committee found that there was significant evidence of rehabilitation.

Mr. Burke made submissions as to penalty and asked that the solicitor be reprimanded in Committee.

Mr. Sherriff made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation and that the Society's auditors make an examination of the solicitor's books and records forthwith and a further examination of them six months thereafter, but that no costs be imposed on the solicitor.

It was moved, seconded and *lost* that the matter be referred back to the Committee and that the solicitor be reprimanded there.

The first motion was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion that had been adopted by Convocation and the solicitor was informed as to his right of appeal.

The solicitor waived his right of appeal.

Counsel and the reporter retired.

The solicitor was reprimanded by the Treasurer.

The solicitor retired.

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Re: GARY SCOTT HENDIN, St. Catharines

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

Messrs. Barr and Farquharson withdrew from Convocation, took no part in the discussions and did not vote.

The solicitor attended with his counsel, Mr. M. von Anrep. The Society was represented by Mr. Frank N. Marrocco.

Convocation had before it the Report of the Discipline Committee, dated 30th June, 1982, together with an Affidavit of Service, dated 5th July, 1982, by Salma Andani that she had effected service on the solicitor and his counsel by sending to each of them on 30th June, 1982, by courier a sealed envelope containing, inter alia, a true copy of the said Report.

On consent the reading of the Report was waived.

The Report of the Discipline Committee found that the solicitor was guilty of professional misconduct. He had offered a reward to a client in an effort to persuade him to withdraw a complaint against the solicitor's professional conduct.

Mr. von Anrep made no submissions respecting the Report.

Mr. Marrocco made none.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 30th June, 1982, be adopted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had adopted the Report.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, copies of which had been forwarded to the Benchers with the Committee's Report prior to Convocation. The Committee recommended that the solicitor be reprimanded in Convocation and that he be ordered to pay the Society's costs of the investigation, fixed at $1,000.

Mr. von Anrep made submissions as to penalty.

Mr. Marrocco made submissions as to penalty.

The solicitor, counsel and the reporter withdrew.

It was moved and seconded that the solicitor be reprimanded in Convocation and required to pay the Society's costs of the investigation, fixed at $1,000.

It was moved, seconded and *lost* that the matter be referred back to the Committee, that the solicitor be reprimanded there and that he not be required to pay costs.

The first motion was *carried*.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of the motion respecting penalty adopted by Convocation and the solicitor was informed as to his right of appeal.

The solicitor waived his right of appeal.

Counsel and the reporter retired.

The solicitor was reprimanded by the Treasurer.

The solicitor retired.

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

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CONVOCATION RESUMED AT 2:30 P.M.

....

PRESENT:

The Treasurer and Messrs. Barr, Bragagnolo, Carter, Carthy, Cass, Chilcott, Farquharson, Ferrier, Furlong, Genest, Ground, Guthrie, Lamont, Mrs. Legge, Messrs. Lochead, Noble, Mrs. Tait, Messrs. Wardlaw and Yachetti.

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DISCIPLINE COMMITTEE (Continued)

Re: EUGENE KRONAS, Hamilton

Mr. P. Genest, Chairman, placed the matter before Convocation.

The reporter was sworn.

The solicitor attended without counsel. Mr. S. E. Sherriff appeared for the Society.

This matter was before Convocation on 28th May, 1982, when the solicitor requested and was granted an adjournment to enable him to retain counsel. Convocation then had before it the Report of the Discipline Committee, dated 11th May, 1982, with proof of service by registered mail. Subsequently personal service was effected on the solicitor and Convocation had before it an Affidavit of Service, dated 25th June, 1982, by Deborah Anne Witthames, that she had effected personal service on the solicitor on 25th June, 1982, of Notice of the Report and a true copy of the Report of the Discipline Committee.

On consent the reading of the Report was waived.

The Report of the Discipline Committee, dated 11th May, 1982, found the solicitor guilty of professional misconduct. He had failed to maintain proper books and records, transferred money to his general account for fees when no bill had been rendered to his clients, ignored letters from the Society, failed to file a proper accounting report respecting his practice, and breached an escrow agreement with another solicitor.

The solicitor made no submissions as to the Report.

The solicitor, counsel and the reporter withdrew.

It was moved, seconded and *carried* that the Report of the Discipline Committee, dated 11th May, 1982, be adopted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that the Report had been adopted.

Convocation also had before it the Recommendation as to Penalty of the Discipline Committee, copies of which had been sent to the Benchers with the Report of the Discipline Committee. The majority of the Committee recommended that the solicitor be disbarred; the minority recommended that the solicitor be suspended for a period of two years.

Mr. Sherriff made submissions as to penalty. The solicitor had disclosed recently that he suffers from both diabetes and alcoholism and that the defaults had occurred as a result of the combination of these two. The solicitor wishes to resign and has submitted a request to be allowed to resign. Mr. Sherriff supported his request being accepted.

The solicitor, counsel and the reporter retired.

It was moved, seconded and *carried* that the solicitor's request to be permitted to resign be accepted.

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had granted the solicitor's request to be permitted to resign.

The solicitor, counsel and the reporter retired.

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Re: ILAN MICHAEL RAMATI, Metropolitan Toronto

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The student member attended with his counsel, Mr. Brian H. Greenspan. The Society was represented by Mr. S.E. Sherriff.

Convocation had before it the Report of the Discipline Committee and its Recommendation as to Penalty, both dated 28th June, 1982, together with an Affidavit of Service, dated 8th July, 1982, by Grace B. Teras, Process Server, that she had effected personal service upon the student member on 5th July, 1982, of true copies of the said Report and the said Recommendation as to Penalty with related material.

On consent the reading of the Report was waived.

The Report of the Discipline Committee found the student member guilty of conduct unbecoming a student member. He had cheated on an examination in the Bar Admission Course. Having rewritten the examination, he obtained pass standing on all papers.

Mr. Greenspan made submissions as to the Report.

The student member, counsel and the reporter withdrew.

It was moved, seconded and *carried* that on one page of the Report, a line be deleted.

It was moved, seconded and *carried* that as amended, the Report of the Discipline Committee be adopted.

The student member, counsel and the reporter returned.

The student member and counsel were advised that the Report had been adopted by Convocation and of the deletion that had been made therein by Convocation.

In its Recommendation as to Penalty, the Committee recommended that the student member should not be called to the bar prior to 1st April, 1984.

Mr. Greenspan made submissions as to penalty.

Mr. Sherriff made submissions as to penalty.

Mr. Greenspan made submissions in reply.

The student member, counsel and the reporter withdrew.

It was moved and seconded that the student member not be called to the bar prior to 1st April, 1984.

It was moved but not seconded, that the student member be expelled from student membership in the Society.

It was moved, seconded and *lost* that the student member not be called to the bar before 1st April, 1983.

The second motion, not being seconded, was *not put*.

The first motion that the student member not be called before 1st April, 1984 was *carried*.

The student member, counsel and the reporter returned.

The student member and counsel were advised of the penalty imposed by Convocation.

In imposing the penalty Convocation made it clear that in future student members guilty of such an offence will face expulsion from student membership in the Society.

The student member, counsel and the reporter retired.

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Re: CHARLES C. ROACH and MICHAEL F. SMITH, Toronto

Mr. Genest placed the matter before Convocation.

The reporter was sworn.

The solicitors did not attend and were not represented before Convocation.

Convocation was asked to consider the request made by Mr. Roach on behalf of himself and his partner, Mr. Smith, for payment of their counsel's account with respect to their defence of a complaint against them heard by the Discipline Committee on the grounds that such proceedings were unwarranted. The material before Convocation included an Agreed Statement of Facts, correspondence between Mr. Roach and the Society and a Bill of Costs presented by counsel for Messrs. Roach and Smith.

Following consideration of the material and during discussion of the request for payment of costs, Mr. Barr advanced the following reasons for denying the request: The decision of Convocation to award costs to a member is limited to cases "where it appears that disciplinary proceedings against the member were unwarranted". In this case a Committee of five Benchers, although holding that a prima facie case had not been made out with reference to the first two allegations, held that a prima facie case of professional misconduct had been made out in connection with each of the three other complaints. The solicitor did not call evidence and the prima facie case was not met. In these circumstances it cannot be said that proceedings were unwarranted. In any event the greater part of the costs claimed in this instance arose from proceedings in Divisional Court over which Convocation has no jurisdiction.

It was moved and seconded that the application for payment of costs be refused.

It was moved, seconded and *lost* that one half the costs be paid.

The motion that the application be refused was *carried*.

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CONVOCATION ROSE AT 4:25 P.M.

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Confirmed in Convocation 24th September, 1982.

J. D. BOWLBY
Treasurer

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